THE UNITED STATES DEPARTMENT OF AGRICULTURE

A STUDY IN ADMINISTRATION

BY

WILLIAM L. WANLASS

A DISSERTATION

Submitted to the Board of University Studies of The Johns Hopkins University in conformity with the Requirements for the degree of Doctor of Philosophy

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PREFACE

While employed in the United States Department of Agriculture during the years 1912–1917, the writer first became interested in the growing importance of this relatively new executive unit, and particularly in its purely administrative or regulatory work, as distinct from its research and educational activities. The aim of this study, as the title and table of contents indicate, is to describe, examine, and criticise the conduct of this administrative work. It is believed that such studies will be conducive to a better understanding of the actual operations of our government—a subject to which too little attention has been given.

No attempt has been made to examine the constitutional basis of the various statutes affecting the Department of Agriculture. This is an interesting subject, but its consideration lies outside the scope of the present study.

Likewise no account has been taken of the important "war legislation" committed to the Department of Agriculture for administration during 1917 and 1918. While some permanent changes in organization and function may result from these extraordinary activities, it is probable that most of the work thus undertaken will prove to be of a temporary character.

Both in the inception of this study and in bringing it to completion valuable assistance has been received from Professor W. W. Willoughby, Dr. A. C. Millspaugh, and President Frank J. Goodnow. I am also greatly indebted to many officials of the Department of Agriculture for information and assistance.

W. L. W.

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THE UNITED STATES DEPARTMENT OF AGRICULTURE

CHAPTER I

Introductory: A Brief History of Federal Agricultural Legislation in the United States

When one contemplates that immense organization known as the United State Department of Agriculture, with its thousands of officers and employees scattered over the entire United States and its insular possessions, and, in peace times, exploring the remotest regions of the earth, it seems almost incredible that it has existed as an executive department of the first rank hardly three decades. It is true that an institution called the Department of Agriculture, under direction of an officer styled "Commissioner of Agriculture," was established by Act of May 15, 1862.[1] However, it was not until February 9, 1889,[2] almost exactly a century after the establishment of the Government under the Constitution, that this greatest of all American industries was given the recognition of a seat in the President's Cabinet Council.

This delay in granting such recognition to so large and important a part of our industrial and social structure was not due to a lack of demand on the part of those directly interested, but rather to certain feelings or traditions in the minds of many of our legislators and other men of influence. First, there was a very prevalent opinion that the activities of the general government should be limited to what might be termed political affairs as distinct from those which had to do with domestic industry and commerce. It is note-

[1] 12 Stat. L. 387; Rev. Stat., Secs. 520, 521.
[2] 25 Stat. L. 659.

worthy that Hamilton, the greatest champion of the powers of the federal government, should have been almost the first to declare that agriculture could never become one of the "desirable cares of a general jurisdiction."[8] It is also worthy of note that up until the establishment of the Department of Agriculture in 1889, all of the then existing executive departments—State, Treasury, War, Navy, Post Office, Interior and Justice—with the possible exception of the Department of the Interior, performed functions generally considered as political in character and essential to the conduct of a central government. Moreover, there existed a very wide-spread opinion that the individual States were fully competent to take care of "their own agricultural interests: and since agricultural conditions were so diverse, each state would be better fitted to cope with its own difficulties than any central organization could possibly be." It hardly need be said that while this feeling may still exist in the minds of some men, it is no longer a factor which needs to be seriously considered.

While Hamilton does not seem to have rested his objections to the general government's concerning itself with the encouragement of agriculture on constitutional grounds, there were not lacking those who did believe that the assumption of a function so obviously of local concern was clearly outside the authority and powers granted in the Constitution. Even Washington, who was undoubtedly the most consistent and influential of the earlier advocates of federal encouragement of agriculture, never seemed to be entirely certain as to his constitutional position, particularly as to the expenditure of funds for this purpose.

In a letter to Hamilton in October 1791, he wrote:

> How far in addition to the several matters mentioned in that letter would there be propriety, do you think, in suggesting the policy of encouraging the growth of cotton and hemp in such parts of the United States as are adapted to the culture of them? The advantages, which would result to this country from the encouragement of these articles for home manufacture, I have no doubt of; but how

[8] The Federalist (ed. Ford), no. 17, p. 93. Later Hamilton seems to have changed his opinions to some extent.

far would bounties on them come within the powers of the general government, or it might comport with the temper of the times to expend money for such purposes, is necessary to be considered, and without a bounty, I know of no means by which they can be effectually encouraged.[4]

If Washington had doubts as to the authority of Congress to appropriate money for the promotion of agriculture, there was no such doubt in the mind of Jefferson. In a letter to Livingston in February, 1801, he wrote:

I have on several occasions been led to think on some means of uniting the state agricultural societies into a central society: and lately it has been pressed from England with a view to cooperation with their board of agriculture. You know some have proposed to Congress to incorporate such a society. I am against that, because I think Congress cannot find in all the enumerated powers any one which authorizes the act, much less the giving of public money to that use. I believe too if they had the power, it would soon be used for no other purpose than to buy with sinecures useful partisans. I believe it will thrive best if left to itself as the Philosophical societies are.[5]

It is not the intention to enter upon a discussion of the general question of the constitutionality of agricultural legislation, except to point out briefly the influence of this factor in determining the progress of such legislation. It is perhaps sufficient to say that from the earliest history of our government up to the present time,[6] legislators and students have questioned the constitutional right of Congress to authorize investigative and experimental work relating to agriculture. Such authority as exists is to be found in article 1, section 8, clause 1.[7] This particular point does not appear to have been adjudicated by the courts; but it seems safe to assume that, should the matter be seriously questioned, the practice of Congress in making appropriations for this purpose for the past eighty years would be given great weight by the courts.[8]

[4] Writings of George Washington (ed. W. C. Ford), vol. xii, p. 84.
[5] Writings of Thomas Jefferson (ed. P. L. Ford), vol. vii, p. 492.
[6] For a recent discussion, see Am. Law Rev., vol. xxx, pp. 787–790.
[7] "Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States."
[8] Stuart v. Laird; Cranch 299; Marshall Field Co. v. Clark; 43 U. S. 649, 683.

Most of the regulatory laws administered by the Department of Agriculture are based on the power of Congress, under article 8, section 8, generally known as the "commerce clause." Several of these acts have been passed upon by the courts, and, for the most part, they have been upheld. The validity of the food and drugs act has been specifically recognized by the Supreme Court.[9]

Another factor which seems to have been of considerable importance in retarding the granting of full recognition to agriculture was the feeling, or perhaps, the fear, that when this step was once taken, there was no definable limit beyond which this new type of governmental activity might not go. If the farming interests of the country were to be permitted to have a representative in the President's Cabinet, would it be possible to deny such recognition to commerce, to mining, to manufacture, or to labor? And if all these were to be given seats at the President's Council table, would not that body become so large and unwieldy as to render it inefficient as an aid to the President? That this fear was not wholly unfounded is shown by the subsequent establishment of the Departments of Commerce and of Labor.

There was, moreover, a rather general feeling, particularly among those not directly interested in agriculture, that the very favorable natural conditions with which that industry was surrounded in this country, made government aid or other artificial stimulus entirely unnecessary, if not undesirable.

Early Agricultural Legislation

In the eighteenth century, the ideal colony was the one whose products did not in any way compete with those of the mother country. In their economic pursuits, mother country and colony were to be mutually complementary. "The aim was to create a self-sufficient commercial empire, which, while independent of competing European powers, would be able to make them dependent on it."[10]

[9] Hipolite Egg Co. v. United States, 220 U. S. 45.
[10] G. L. Beer, British Colonial Policy, 1754–1765, p. 134.

While the continental colonies of Britain were a good market for British manufacturers, they also produced agricultural products which duplicated those of England. So long, then, as England remained primarily an agricultural country, and the older idea of empire persisted, it could hardly be expected that Parliament would do very much for the encouragement of that industry in America. Despite this condition, however, both the home government and several of the colonial legislatures granted small sums of money from time to time for the promotion of various agricultural projects. For the most part, these were not likely to compete with home products. As early as 1622, the Government of James I tried to encourage the growing of mulberry trees and the breeding of silkworms in Virginia; in 1642, the general court of Massachusetts authorized the payment of premiums for the best types of sheep produced in the colony. From 1633 to 1643 Parliament granted six hundred thousand dollars to promote the growing of indigo and other crops in Georgia. By the time of the Revolution, England had become primarily a manufacturing country and the more modern view that the colonies were to furnish a market for home manufacture had become the dominant one. Had not this political change occurred, it is more than probable that agriculture would have received much greater governmental aid, not only to supplement the mother country's declining agricultural production, but to keep the colonists diverted from manufacturing.

During the ten years immediately following the establishment of the Government under the Constitution, Washington was undoubtedly the most ardent and influential advocate of governmental aid for the promotion of agriculture. Even when the affairs of state seemed to be most pressing, he found time to speak and write about it, both in an official and a private capacity. In the course of his first annual message to Congress, he referred to agriculture as a pursuit which should be encouraged along with commerce and manufactures.[11] At this time, Washington seems to have

[11] Messages and Papers of the Presidents, vol. i, p. 66.

had no very clear notion as to what form such encouragement might take.

In 1793, the British government, through the earnest efforts of Sir John Sinclair, at that time a member of Parliament, rather reluctantly consented to the establishment of a central board of agriculture. Sir John was made president of this board, and under his guidance, it seems to have been successful until 1817 when, through failure of appropriations, it went out of existence.

It was due to the example of this board and the subsequent correspondence between himself and Sinclair that Washington, in his last annual message to Congress in 1796, was able to make a much more urgent and definite appeal in behalf of agriculture. In this message he said:

> It will not be doubted that with reference either to individual or national welfare agriculture is of primary importance. In proportion as nations advance in population and other circumstances of maturity this truth becomes more apparent, and renders the cultivation of the soil more and more an object of public patronage. Institutions for promoting it grow up, supported by the public purse; and to what object can it be dedicated with greater propriety? Among the means which have been employed to this end none have been attended with greater success than the establishment of boards (composed of proper characters) charged with collecting and diffusing information, enabled by premiums and small pecuniary aids to encourage and assist a spirit of discovery and improvement by stimulating to enterprise and experiment, and by drawing to a common center the results everywhere of individual skill and observation and spreading them thence over the whole nation. Experience accordingly has shown that they are very cheap instruments of immense national benefits.[12]

This part of Washington's message was favorably received in both branches of Congress. In the House of Representatives, it was referred to a committee which reported, recommending a plan, the principal parts of which were, that an agricultural society consisting of congressmen, federal judges, heads of departments, and such other persons as might be eligible be established at the seat of government. Annual meetings were to be held at which a President and secretary and a board of not more than thirty persons—to be called a "Board of Agriculture"—were to

[12] Ibid., vol. i, p. 202.

be chosen. Only the secretary's salary and expenses were to be paid out of the public treasury, and if the state of the treasury was such as to make this seem inadvisable, not even these were to be paid by the Government.

The report of the committee was referred to a committee of the whole to be brought up the next Monday, but it became confused with a discussion of direct taxes and was never brought up.[13]

During the next twenty years, there seems to have been no more definite proposals in Congress for extending the aid of the government to agriculture; but in 1817, Representative Hulbert presented a petition of the Berkshire Association for the promotion of agriculture and manufacturing in Massachusetts, praying "that the aid of the National Government may be extended to the promotion of the interests of agriculture and manufacturing either by the establishment of a national board or by such other means as in the wisdom of Congress may seem meet and proper." This petition was referred to a select committee and was never again revived.[14] For the next twenty years, the activity of Congress with respect to agriculture was practically limited to the appointment of a committee on agriculture in the House in 1820,[15] and the appointment of a similar committee in the Senate in 1825.[16] Both of these still exist and are now very important committees; but at the time they were created they seem to have been little more than convenient repositories for such petitions, memorials or other documents relating to agriculture as might come before Congress.

There was enacted, however, during this period, such legislation as was necessary in the development of our public lands policy. While this legislation affected the development of agriculture, as indeed it did the entire history of the nation; it cannot be said that the public lands policy of Congress had as its aim the promotion of the interests of

[13] Annals of Cong., 4th Cong., 2d sess., p. 1835.
[14] Ibid., 14th Cong., 2d sess., pt. 1, p. 769.
[15] Ibid., 16th Cong., 1st sess., pt. 2, p. 2179.
[16] Register of Debates in Congress, 19th Cong., 1st sess., cols. 5, 7.

that part of the population which was engaged in farming. The public land laws formed then, as they do now, a body of legislation quite distinct from that which has later been enacted directly in the interest of the agricultural class.

The almost complete apathy of Congress, during the first sixty years of our history, toward lending the aid of the Government to the promotion of agriculture stands out in marked contrast to the attitude of that body today. Such an attitude is explainable only by the absence of any widespread or organized demand for such legislation; for no doubt the congressman then, as now, had 'an ear to the ground.' With a liberal public land policy, with an abundance of virgin soil and with the raw products of agriculture comparatively unimportant in domestic commerce, the life of the man who desired to till the soil was a relatively free and independent one during the first half of the nineteenth century. The period of 'scientific agriculture' had not yet begun.

However, if Congress was content during these early years to let the business of the farmer follow its natural course, or receive such aid as it might from the various states and localities, there was another branch of the federal government whose activities in this field were destined to have a marked influence on the future course of events. Following the example set by Franklin while he was a representative of Pennsylvania in England, American consuls, after the Revolution, adopted the practice of sending home specimens of foreign seeds, plants and domestic animals which might be used to enrich and diversify the agricultural production of the United States. At first this practice was largely extra-official, but later it was made a part of the duty of these officers. For several years, there does not appear to have been any regular agency designated to receive and dispense these contributions.

In 1836, Henry L. Ellsworth, then Commissioner of Patents (at this time the Patent Office was in the Department of State), assumed the responsibility, independent of

his office, of receiving and distributing to farmers throughout the country such seeds, plants and animals as were received from consular officers or other sources. In his report the following year, he strongly urged upon Congress the desirability of creating a suitable depository to care for this increasing business.[17] Two years later, and largely as a result of Mr. Ellsworth's efforts, Congress appropriated one thousand dollars for "the collection of agricultural statistics, and for other agricultural purposes."[18] This appropriation, small as it was, marks the real beginning of what has since become a great national enterprise.

Fifty Years of Development, 1839–1889

This meager appropriation made in 1839 was repeated in 1842, the amount was doubled in 1844, and, since the latter year, the item, "Collecting Agricultural Statistics," has formed a part of the annual appropriations of Congress. While the collection and distribution of seeds and plants was not specifically provided for in the appropriation, that function and the collection and publication of agricultural statistics constituted the chief activities carried on in the interest of agriculture by the federal government for the succeeding twenty years. From 1852, the purchase and distribution of seeds was specifically provided for.

During the latter part of this period, small additional appropriations were made from time to time for the investigation of special subjects. Such were the appropriations of one thousand dollars in 1850 for chemical analyses of vegetable substances,[19] and three thousand five hundred dollars in 1858 for the collection and publication of information relating to the consumption of cotton in the various countries of the world.[20] The expenditure of these various funds as well as that of the regular annual appropriations

[17] 25th Cong., 2d sess., H. Doc. no. 112.
[18] Stat. L., pp. 353–354.
[19] 9 Stat. L., p. 364.
[20] 11 Stat. L., p. 226.

continued under the direction of the Commissioner of Patents until 1862.

Even after Congress had definitely committed itself, in this small way, to a policy of utilizing public funds for the aid and encouragement of agriculture, there was no immediate and popular demand for an extension of this activity. However, there were not lacking progressive farmers and business men who looked to the future and saw the need of a better and more scientific system of farming than that generally practiced in this country. Several years prior to the period about which we are now speaking, such men, many of whom were what might be called, 'gentlemen farmers,' whose leisure gave them opportunity for thought and reflection, and whose social positions gave their efforts added weight, were instrumental in promoting and organizing local and state agricultural societies and associations. Such were the Philadelphia Society for Promoting Agriculture, organized in 1785 and incorporated in 1809; the Charleston (S. C.) Society for the Promotion of Agriculture; the Pennsylvania Society of Agriculture, organized in 1808; and the Berkshire Agricultural Society in western Massachusetts, organized in 1810, chiefly through the efforts of Elkanah Watson.[21] It was the last of these, as we have seen, which succeeded in focusing the attention of Congress in 1817, at least momentarily, upon the need of some kind of national agricultural institution.

These societies grew rapidly both in number and membership. In 1852, it was estimated that there were approximately three hundred such organizations scattered over all the settled portions of the country.[22] By 1861, the number had reached almost a thousand.[23] The first of these to reach more than state-wide importance was the Columbian Agricultural Society with headquarters at Washington. While its existence was very brief (1809–1815), it enlisted

[21] Bailey, Cyclopedia of American Agriculture, vol. iv, p. 291 ff.
[22] Journal of the U. S. Agricultural Society, vol. i, p. 3.
[23] The Quarterly Journal of Agriculture (Washington), vol. viii, p. 26.

the patronage of many influential men and was successful in making available a great deal of valuable information.[24]

For forty years after the War of 1812 had terminated the brief existence of the Columbian Society, there does not appear to have been any central organization which was really representative of any very considerable part of the interests of the agricultural class of the country. During this period, agriculture, no less than other American industries, had been profoundly affected by the great changes that had taken place. The unprecedented westward expansion called by some the most significant fact in American history; the wonderful development of transportation facilities; the enormous influx of immigration; the invention and use of machinery; the extensive entry of farm products into commerce both domestic and foreign;—these and other factors were destined to bring about a new era for agriculture in the United States and to bring the rural element in our society directly into contact with the political life and thought of the nation.

It is not surprising, then, that when a call was sent out in 1852 for a national convention of agriculturalists to meet in Washington, for the purpose of forming a national agricultural society, it should have met with a general and ready response. One hundred and fifty delegates representing numerous societies met in June of the same year and formed the proposed national organization. The Hon. Marshall P. Wilder of Boston was elected as the first president.

A somewhat similar attempt had been made in 1841 to form a national society. The principal immediate objective in view was the securing of all, or part, of the Smithson bequest, recently received from England; but when this failed the organization which had been formed quietly went out of existence, after holding only one annual meeting.

From the first, the United States Agricultural Society, organized in 1852, numbered among its membership many men of national prominence. Many others of equal promi-

[24] Ibid., vol. vii, p. 105 ff.

nence, including the President and Ex-Presidents of the United States, were interested enough in its work to read and contribute to its publications, and to address its meetings. During the ten years of its existence (1852–1862), this society was without doubt by far the most potent factor in directing attention, both official and private, to the agricultural needs of the time. The society recorded itself, time after time, as favoring the establishment of a national department of agriculture to be equal in every respect to the other great executive departments. Presidents, in their messages to Congress, had frequently renewed the request of Washington, that some governmental machinery should be established to care for and promote the interests of agriculture;[25] but it is to the work and influence of the United States Agricultural Society, more than anything else, that we are indebted for the passage on May 15, 1862, of an Act establishing an independent organization called the Department of Agriculture.

This measure, like so many others passed by Congress, was a compromise between two contending forces. While the new establishment was called a department and was independent of any of the existing administrative units, it was to be under the direction of a Commissioner, appointed by the President. It did not rank with the so-called executive departments, and its principal officer was not entitled to a place in the President's Cabinet Council. To this extent it fell considerably short of the expectations of the most enthusiastic proponents of the scheme. Nevertheless, all were agreed that the action taken was a long step toward the proper recognition of the great agricultural interests of the country, and marked the beginning of a new era for this industry.

It is remarkable that such legislation could have been exacted from Congress during what was, perhaps, the most

[25] President Taylor in 1849, Messages and Papers, vol. v, p. 18, President Fillmore in 1851, Ibid., vol. v, p. 127, and President Lincoln, Ibid., vol. v, p. 398.

critical period of the Civil War. That the new Republican party, which had just come into full power, was in close alliance with the farming interests of the North is further attested by the passage, in this same year, of two other far-reaching acts in the interests of agriculture: that of June, 1862, called the 'Morrill Act,' after its principal sponsor in the Senate, granting large tracts of public lands for the establishment of an agricultural college in each of the States; and the homestead law, which provided for giving public land to the individual who had occupied and improved it, instead of paying a purchase price.

The act of May 15, 1862,[26] generally known as the 'organic act,' states, after the usual introduction and provision for the establishment of a Department of Agriculture, as already indicated, that the general designs and duties of such department "shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants." The act further provides for the appointment of a Commissioner of Agriculture at a salary of three thousand dollars and a chief clerk at two thousand dollars, and briefly outlines the duties and procedure of these officers.

The new department was established and began its operations at once. The agricultural appropriation act for the fiscal year 1863 carried eighty thousand dollars, and the entire amount was expended.

That the work of the department found favor with the people and Congress from the beginning is shown by the fact that its appropriations were increased from year to year even while the war continued. When peace was established, the department's activities soon began to expand to cover new fields and to include new subjects, some of which were probably never contemplated by those who had sanctioned the organic act, broad and general as were some of

[26] 12 Stat. L. 387.

the terms of that measure. Chief among these new activities were the study of diseases and insects injurious to plants and domestic animals, and the best means of eradicating or suppressing such diseases and insect pests;[27] investigating the culture and manufacture of tea, silk, cotton, tobacco, and sugar;[28] introducing new forage plants and grasses to improve grazing conditions in arid sections;[29] studying the effects of the adulteration of various foods;[30] collecting statistics relating to the manufacture and food value of margarine, butterine, and other butter substitutes;[31] and experimenting in the field of argicultural chemistry.[32]

By 1884, the work of the Department relating to the protection and improvement of the live stock industry of the country had become so extensive that Congress deemed it advisable to create a new bureau, called the Bureau of Animal Industry, to have special charge of this work. This bureau was to be placed under the immediate direction of a veterinary surgeon, appointed by the Commissioner of Agriculture.[33] It is noteworthy that this law was the first to confer upon the Department power to regulate the conduct of citizens, a power which is very important in the performance of its present functions.

The first appropriation for the investigation of subjects relating to forestry was made in 1876.[34] Ten years later, a division was established in the Department to further these investigations.

One writer[35] has said that the year 1887 marks the beginning of a new stage in the development of American agricul-

[27] 15 Stat. 283, 298; 20 Stat. L. 206, 240; 24 Stat. L. 100.
[28] 21 Stat. L. 292, 294; 22 Stat. L. 408, 410; 12 Stat. L. 682, 691; 13 Stat. L. 22, 23; 21 Stat. L. 292, 295.
[29] 24 Stat. L. 683.
[30] 24 Stat. L. 100.
[31] 22 Stat. L. 89, 90.
[32] 12 Stat. L. 683. For these and other acts see, "Laws applicable to the Department of Agriculture," compiled by Otis H. Gates, under the direction of the Solicitor of the Department.
[33] 23 Stat. L. 31.
[34] 19 Stat. L. 143.
[35] T. N. Carver, Bailey's Cyclopedia of American Agriculture, vol. iv, p. 68.

ture, primarily because it was in this year that the so-called Hatch Act, providing for the establishment of agricultural experiment stations, was passed by Congress. This was the beginning of a much more comprehensive application of experimental science in the field of agriculture than had been heretofore attempted.

Although the work of the Department thus continued to grow and expand, and correspondingly increased amounts of public funds were appropriated from year to year, the more ardent and enthusiastic leaders and representatives of agricultural associations and interests were not satisfied. At least as early as 1881,[36] agitation was renewed in Congress for the placing of the Department of Agriculture on a plane of equality with the other executive departments, with a secretary entitled to a place in the President's Cabinet.

Numerous petitions and memorials poured into Congress. The agitation was greatly accentuated by the granger and populist movements of this period. Much hope seemed to center in having a representative of the farming class in the immediate council of the President.

Attention has already been directed to the apprehension on the part of some members of Congress of the danger of establishing the precedent of giving to any special interest a place in the President's Cabinet. "Class legislation" the proposal was called by some. This argument was repeatedly brought forward during the years 1881 to 1889. Despite this and other objections, Congress finally yielded, and a bill raising the Department of Agriculture to the grade of an executive department with a Secretary of cabinet rank was passed, and approved by the President, February 9, 1889. All existing laws pertaining to the Department remained substantially as before. Two days later President Cleveland nominated Norman J. Colman, the Commissioner of Agriculture, as the first Secretary of Agriculture. The nomination was confirmed by the Senate on February 13.

[36] Congressional Record, vol. xix, 4479.

Thus another victory had been won by the persistent and, for the most part, intelligent expression of public opinion.

Period of Expansion, 1889 to 1917

Agriculture has been defined as "the art or science of cultivating the ground, especially in fields or in large quantities, including the preservation of the soil, the planting of seeds, the raising and harvesting of crops, and the rearing, feeding, and management of live-stock."[37] The organic act of 1862, which is still in effect, authorizes the Department "to acquire and diffuse . . . useful information on subjects connected with agriculture in the most general and comprehensive sense of the word . . . ."

Even with this broad scope of activity, it is difficult to see how some of the many laws which are now administered by the Department of Agriculture can logically be classed as agricultural legislation. On the other hand, it is asserted by an eminent authority,[38] that extensive and far-reaching as the operations of the Department now are, they do not yet in all respects cover the field marked out for it in its charter.

The period which we are now considering, more than any previous one in American history, is characterized by the wide-spread assertion, on the part of the federal government, of what has been called its police power; that is, its power to regulate and supervise the conduct of individuals in the interest of the general welfare of society. Much of this type of legislation fills the modern statute books of the lesser units of government as well. Why there should have been such a great demand for legislation of this character we shall not stop to consider in detail. The great number of health and safety laws in recent years, according to Professor Freund, "represents less a change of legislative policy than a change of conditions that had to be met by

[37] Webster's Unabridged Dictionary, quoted in Dillard v. Webb, Ala. 474.

[38] A. C. True in Annals of American Academy of Political and Social Sciences, vol. xi, p. 10.

an extension of state control";[39] or, as Professor Turner says, it was the voice of the insurgent West "demanding increase of federal authority to curb the special interests, the powerful industrial organizations, and the monopolies, for the sake of the conservation of our natural resources and the preservation of American democracy."[40]

It is not surprising, then, to find that of the very considerable number of recent laws, with whose administration the Department of Agriculture has been charged, a very large proportion of them should be of the regulatory type, or at least concerned with general social welfare. While the work of the Department has been and still is, primarily educational and investigational, there can be no doubt that the more recent expansion of its activities has been on the side of the regulation of the conduct of citizens. May we not say, then, that instead of this Department being an anomaly among the so-called political departments, as was feared by many at the time of its establishment, it is itself rapidly becoming one of them?

As already indicated, the regulatory work of the Department was inaugurated with the establishment of the Bureau of Animal Industry by special act of Congress in 1884. The primary intent of this act was to prevent the foreign exportation or interstate shipments of live stock affected with contagious, infectious, or communicable diseases. For a number of years this law was administered jointly by the Secretary of the Treasury and the Secretary of Agriculture. By act of February 2, 1903,[41] this authority was conferred exclusively on the latter of these officers, and his powers to prevent the spread of contagious diseases of animals were considerably extended. Authority was granted the Secretary of Agriculture in 1890[42] to inspect live stock imported into this country and prohibit the landing of any found to

[39] Ernst Freund, Standards of American Legislation, p. 20.
[40] F. J. Turner, "Social Forces in American History," in American Historical Review, vol. xvi, no. 2, p. 223.
[41] 32 Stat. L. 791.
[42] 26 Stat. L. 414.

be infected with dangerous diseases or of any which had recently been exposed to such diseases. The so-called cattle quarantine act,[43] which authorizes the Secretary of Agriculture to establish a quarantine in any state or district found to be infected with contagious diseases of animals, has the same general object, that is, the protection of the live stock industry.

One very potent force in bringing about this legislation was the prohibitions that had been established by foreign countries against American live stock and animal products and the consequent injury to the live stock business.

That the measures taken were effective is attested by President Harrison who said in his message to Congress in December, 1891:

> If the establishment of the Department of Agriculture was regarded by any one as a mere concession to the unenlightened demand of a worthy class of people, that impression has been most effectually removed by the great results already obtained. . . . The inspection by this Department of cattle and pork products intended for shipment abroad has been the basis of the success which has attended our efforts to secure the removal of the restrictions maintained by European governments.[44]

Two other measures which relate directly to the live stock industry are the so-called twenty-eight hour law,[45] and the virus act.[46] The former of these is not so much intended to foster the live stock industry as to protect the animals themselves. Its enactment was brought about largely as a result of the work of humane societies. Briefly, it prohibits the confinement in railroad cars and boats of all animals in course of interstate transit for a period longer than twenty-eight hours without being unloaded for feed, water, and rest for at least five hours, except that, upon written request in advance, the period may be extended to thirty-six hours. Carriers may relieve themselves from the operation of this law by supplying the required facilities for

[43] Act of March 3, 1905, 33 Stat. L. 1264.
[44] Messages and Papers, vol. ix, p. 206.
[45] Act of June 29, 1906, 34 Stat. L. 607.
[46] Act of July 1, 1902, 32 Stat. L. 728; Act of Mar. 4, 1913, 37 Stat. L. 828.

feeding and watering on board. The virus act regulates the importation and interstate shipment of viruses and similar remedies for the treatment of animal diseases. While most of these laws were enacted primarily to promote the raising of live stock, to the extent that they are effective in increasing the consumable products from this source and improving the quality, they are of general benefit.

By no means all of the recent regulatory measures relate directly to the animal industry. The insecticide act,[47] the plant quarantine act,[48] and the seed importation act,[49] have for their purpose the encouraging and protection of the business of growing plants and crops. The insecticide act is intended to prohibit the misbranding or adulteration of insecticides and fungicides manufactured in territory immediately subject to the United States or which moves in interstate commerce. The plant quarantine act is designed to prevent the spread of plant diseases by authorizing the regulation of importations of plants and the establishment of quarantines in infected districts. The seed importation act is intended, as the title suggests, to prohibit the importation of seeds which are adulterated or which are for any other reason unfit for use.

The so-called Lacey Act,[50] and the migratory bird act[51] are primarily intended to assist the States in conserving the game supply, to protect insectivorous and other birds which are beneficial to agriculture, and to prevent the introduction of foreign animals or birds that would be injurious to plant life.

Two other regulatory laws, which have been committed to the Department of Agriculture for administrative purposes, are the meat inspection act[52] and the well known food and drugs act of June 30, 1906.[53] It need hardly be said that

[47] Act of April 26, 1910, 36 Stat. L. 331.
[48] Act of Aug. 20, 1912, 37 Stat. L. 315.
[49] Act of Aug. 24, 1912, 37 Stat. L. 506.
[50] Act of May 25, 1900, 31 Stat. L. 187; Act of March 4, 1909, 35 Stat. L. 1088, 1137
[51] Act of March 4, 1913, 37 Stat. L. 828, 847.
[52] Act of June 30, 1906, 34 Stat. L. 669, 674.
[53] 34 Stat. L. 768.

both of these are primarily designed as health measures and as such relate no more to the agricultural class than to any other. These measures form an important part of that body of restrictive legislation which marks the second administration of President Roosevelt as a period of moral awakening. They are administered by the Department of Agriculture simply because that department, by reason of its facilities, was better prepared for the task than any other. A summary of these laws will be given in another chapter.[54]

The cotton futures act, which was enacted in 1914 and re-enacted with amendments in 1917, is a regulatory measure of a somewhat different character from those which have previously been mentioned. Its object is to regulate and supervise trading in cotton, particularly future trading; but instead of fixing penalties, it levies a tax which must be paid under certain conditions. Thus it is incidentally a revenue measure, and, as such, finds its constitutional basis in the taxing power of Congress. More will be said later of its content and enforcement.[55]

Not all of the laws which have been committed for administrative purposes to the Department of Agriculture, during the period now under consideration, have been of the regulatory or police type. Several very important educational and constructive measures have been enacted by Congress and added to the work of the Department. Some of these, particularly those that have been enacted in very recent years, involve varying degrees of cooperation on the part of the respective States.

The work of the agricultural colleges established under the land grant act of 1862 was so favorably received that a further endowment of public funds amounting to $25,000 a year for each college was made in 1890. Both of these acts are under the administration of the Department of the Interior, but they represent very important agricultural legislation.[56]

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[54] Chapter iv.
[55] Ibid.
[56] 26 Stat. L. 419.

The Hatch Act of 1887, which did so much to place agriculture on a higher basis by providing for the establishment of experiment stations throughout the States, was supplemented in 1906 by what is known as the Adams Act, after its chief sponsor, Henry C. Adams. Under this act the amount of money to be granted to each State was doubled so that it now aggregates $30,000 per annum for each State.[57]

As early as 1876, the Department had begun the study of problems relating to forestry. Under an act of Congress, approved February 1, 1905,[58] the administration of the vast forest reserves in the United States was transferred from the Department of the Interior to the Department of Agriculture. This work has continued to grow, both in scope and importance, as the area of forest reserves has been increased and the need for conserving and enlarging our timber resources has been more clearly discerned.

Perhaps the most significant and far-reaching piece of agricultural legislation in recent years is that of May 8, 1914, commonly known as the Smith-Lever Act.[59] By the year 1923, there will be appropriated under this law an annual sum exceeding five million dollars, to be expended in cooperation with state institutions, for practical instruction and demonstration in agriculture and home economics. Under the terms of the act, this large sum must be supplemented by at least an equal amount appropriated by or on behalf of the States. Wisely expended, such a sum of money should make this measure, "the greatest piece of agricultural legislation ever enacted by any country."

Another cooperative law of first rate importance is that known as the Federal Aid Road Act, approved July 11, 1916.[60] The administration of these and other measures involving cooperation between the Department of Agriculture and other governmental agencies will be treated in another chapter.[61]

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[57] 34 Stat. L. 63.
[58] 33 Stat. L. 628.
[59] 38 Stat. L. 372.
[60] 39 Stat. L. 355.
[61] Chapter iii.

The United States Grain Standards Act,[62] authorizing and directing the Secretary of Agriculture to determine and establish official standards to be used in interstate and foreign commerce in grains, and the United States Warehouse Act,[63] authorizing the Secretary of Agriculture to issue licenses to, and require bonds from, owners or managers of warehouses used for the storage of agricultural products, who desire to conduct their business under federal control, furnish striking evidence of the ever increasing scope of the central government in general, and of the Department of Agriculture in particular.

When Congress, as a part of the legislative policy it has adopted, specifically authorizes and instructs an executive department or officer to perform certain functions, it is, of course, incumbent upon that body to appropriate the necessary funds as the need therefor arises. Such is the case with most of the statutes which have been enumerated above. Very much, in fact, the major part of the work of the Department of Agriculture derives its legal authority, not from the enactment of permanent laws, but from the appropriations that are made by Congress from year to year. This is particularly true of the experimental, investigational, and educational activities. Many divisions, and, indeed, entire bureaus owe their existence to the annual appropriation acts; and would cease to exist by the mere failure of Congress to appropriate the necessary funds, without the repeal of any existing law.

It would be outside the scope of the present study to attempt to give anything like an adequate idea of the present work of the Department of Agriculture when viewed as a whole. Much less would it be possible to give any dependable estimate of the value of this work to the people of the country. From its beginning in 1839 up to April, 1917, the Department of Agriculture cost the people of the United

[62] 39 Stat. L. 482.
[63] 39 Stat. L. 486.

States approximately two hundred and eighty-five million dollars. Various attempts have been made to show that this sum is a mere bagatelle when compared with the huge increase in agricultural production directly attributable to better and more scientific methods of farming. That farming is now generally conducted on a better basis no one will deny. To what extent this improvement may be credited directly to the work of the Department of Agriculture is more problematical. There seems to be no question, however, but what it has been the chief and most valuable single agency. That this is the belief of those whom we elect to represent us in Congress is abundantly evidenced by the ever increasing number of activities with which it is charged, and the ever mounting sums of public funds placed at its disposal. Small as these sums may be when compared with those necessary for the conduct of some of the other departments of the Government, the rate of increase is most significant.[64]

Beginning with a single clerkship in the patent office in 1843, it now numbers its officers and employees by the thousands. In 1917 not less than eighteen thousand seven hundred and fifty men and women, most of them specially trained for their respective tasks, were devoting their time to the multitudinous duties of the Department of Agriculture. As previously indicated, not all of the work of this department is directly in the interest of agriculture and the agricultural class. However, the welfare of the farming industry and of those who carry it on is still, and probably will continue to be, the goal and *raison d'être* of this important agency of government.

Having briefly traced some of the forces that have been

[64] In his report for 1891, Secretary Rusk said: "In concluding the review of the work done under the several divisions of this Department since the date of my last annual report, it gives me pleasure to state, and I say this advisedly, that each one of more than a dozen divisions whose work I have reviewed has returned in actual value to the country during the past year far more than the entire annual appropriation accorded to this Department."

active in shaping what might be termed the policy of the federal government toward the agricultural interests of the country, and having seen how at least a part of that policy has been translated by Congress into concrete laws, let us now examine the kind of institution that has been developed and organized in order that the will of the people thus translated and expressed may actually be carried into effect.

CHAPTER II

The Present Organization of the United States Department of Agriculture[1]

Administration has been called the "function of execution."[2] In other words, it is the carrying out or the execution of the expressed will of that organ of government which is authorized to say what the law shall be. For the most part, it consists of applying general rules or laws to individual cases, as need therefor arises. How satisfactorily and effectively this shall be done depends, in large measure, upon the character of the organization or machinery that has been developed for the performance of this function.

The executive branch of the federal government, as is well known, consists of one great hierarchy with the President of the United States at its head. While he does not have the power, as we shall see later, of determining the nature of the machinery that shall be instituted for making effective the expressed will of the legislative body, he is held responsible for its proper and efficient operation. To this end he has been given an important voice in the selection of those persons upon whom he must rely, and a practically unqualified power to remove from office any of these persons whom he may deem unfitted for the place.[3]

The Department of Agriculture, like the other federal

[1] For an outline of the organization according to subdivisions and functions, see Appendix I.

[2] Goodnow, Comparative Administrative Law, vol. i, p. 5.

[3] "Within itself the federal administration is a single administration. All of its subdivisions are internal ones as in the case with any centralized administration; while in any decentralized administration, like that of the states, the organization is based upon external division." (Wyman, Administrative Law, p. 187. See also Team vs. Davis, 100 U. S. 257; in re Neagle, 135 U. S. 1.)

executive departments, and unlike the corresponding institutions in the various States, is a smaller hierarchy within a larger one, with the Secretary of Agriculture at its head. It is true that there are a few of the subordinates of the Secretary in whose appointment he does not share, and who are therefore not subject to his power of removal. He is, however, responsible to the President for the work of all of his subordinates and of the department as a whole.

All of the officials of the Department of Agriculture, except the Secretary, the Assistant Secretary, the Chief of the Weather Bureau, and the Solicitor are in the classified civil service. Perhaps no other department of the Government is so nearly free from the evils of political appointments. The expert scientific and technical knowledge which bureau chiefs and other important officials must have for the proper performance of their duties, and the added value which long and certain tenure of office gives to their services, have operated to remove these positions almost entirely from the domain of politics. Both Congress and the successive Secretaries have very wisely allowed these men to remain undisturbed irrespective of party allegiance. The great majority of the appointments to office are regularly made from the registers of the Civil Service Commission. Even the relatively large number of technical and scientific experts who, in accordance with special legislation, might have been appointed outside the classified civil service, have been almost invariably selected with reference to their qualifications for the work expected of them, after an examination prepared by representatives of the Department and conducted by the Civil Service Commission.

That the elevation of the Department to the first rank of governmental establishments, and its consequently close relationship with the presidential office and with practical politics, have not resulted in a departure from non-partisan and scientific ideals in its work should be encouraging to all who are interested in the improvement of the civil service.

The President's Cabinet, and the great executive depart-

ments of the federal government are political and administrative devices which have grown up almost wholly outside of the written Constitution. It is true that in the enumeration of the powers and duties of the executive branch of the government, reference is made to "executive departments" and to the principal officers thereof;[4] but there is only the slightest indication as to how these departments are to be brought into existence and organized. In speaking of the President's power of appointment the Constitution enumerates certain officers, "and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law." Goodnow thinks we may assume from these clauses that the men who framed the Constitution intended that there should be executive departments and that the power to organize them was to be vested in Congress.[5]

The President's Cabinet, says Dr. Learned, "came into being as one result of the discretionary power with which the makers of the Constitution intended to endow the chief magistrate. It was created by President Washington in the opening years of our Government under the Constitution in response to a demand of the President for a board of qualified assistants and confidential advisers, a demand so fundamental and natural as to be felt, but not anywhere at that time definitely formulated or at all clearly expressed."[6]

If we grant that the formation of a small advisory council grew out of the immediate needs of the President for such assistance when the Government was first established under the Constitution, the same cannot be said of the creation of the executive departments of which these first officers, and others of similar rank, have become the heads. The power to create and organize all of the machinery of government, except that which is specifically provided for in the Constitution itself has from the first been assumed and exercised by Congress. To what extent Congress shall

[4] Art. 2, sec. 2.
[5] Goodnow, Principles of Administrative Law of the U. S., p. 122.
[6] H. B. Learned, The President's Cabinet, p. 369.

go in fixing and regulating the details of organization within the various units of government created, is a matter which lies wholly within the discretion of that body. In practice, however, there seems to have been no uniform policy. In some instances great care has been taken to provide, in advance, the exact type of organization, and to fix not only the duties and powers of the head of the department, but also those of his subordinates as well. In other cases, the department head has merely been intrusted with certain powers or charged with certain duties and the organization of the machinery necessary for carrying these into effect has been left almost entirely to him. However, when a permanent organization is formed as a result of administrative action it generally receives legislative sanction, either expressed or implied, by the subsequent appropriation of money for its continuance.[7]

In the law of 1862, providing for the establishment of the Department of Agriculture, very little was said about the kind of organization that was to be effected. Only two officers were mentioned—a Commissioner of Agriculture and a chief clerk. One duty of the latter was to appoint, as Congress from time to time made provision therefor, chemists, botanists, entomologists and other persons skilled in the sciences pertaining to agriculture. As the work of the Department expanded such persons were appointed. Generally, the only congressional approval obtained for such appointments was the appropriation of funds for the payment of additional salaries and expenses upon the recommendation of the department head. In a similar manner, divisions, and later, bureaus, were organized to carry on the principal lines of work. This has not always been the case, however. In some instances bureaus have been added or transferred by specific legislation, as was the case in the establishment of the Bureau of Animal Industry in 1884, and the transfer of the Weather Bureau from the War Department to the Department of Agriculture in 1891.[8]

[7] Goodnow, Principles of Administrative Law of the U. S., p. 75.
[8] 26 Stat. L. 653.

Prior to 1913, by far the greater part of the work of the Department, aside from its regulatory activities, was concerned primarily with the improvement, both in quality and quantity, of crop and animal production. As the result of years of careful experimentation, many notable improvements were made in the agricultural flora and fauna of the country. While a great deal of money and effort had been expended in trying to raise the standard of agricultural science and to better the farm products, and while, admittedly, very much had been accomplished in this direction, it was the belief of the present Secretary of Agriculture, who came into office in March, 1913, that the greater part of this vast fund of accumulated information was not readily available, and consequently not utilized, largely because of defective methods for its proper dissemination among the farmers. The betterment of methods for the more effective education of those engaged directly in agriculture has been, and still is, an important part of the policy of the present administration.

Until very recent years, very little attention has been given, either by federal or state institutions, to that phase of agriculture which might be summed up under the head of agricultural economics, or more specifically, the marketing of farm products, rural credits and finance, and the organization of farmers and rural communities. There were many persons who agreed with the present Secretary of Agriculture that these problems had been neglected to the great detriment of the agricultural interests of the country, and that special attention should at once be given to their solution.[9]

Very largely as a result of this new attitude, and at his own request, the agricultural appropriation act for the fiscal year 1915 authorized and directed the Secretary of Agriculture "to prepare a plan for reorganizing, redirecting, and systematizing the work of the department as the inter-

[9] Report of the Secretary of Agriculture, 1916, p. 9. See also article on "Agricultural Organizations" in Bailey's Cyclopedia of American Agriculture.

ests of economical and efficient administration may require."[10]

Complying with these instructions, a plan of reorganization was submitted in the Book of Estimates of appropriations for the fiscal year 1916, the estimates for the Department of Agriculture for that year being based upon the proposed plan. The recommendations were accepted by Congress practically as submitted, and were approved by the act of March 4, 1915.[11]

As already indicated, the object of this latest reorganization was not to change radically the normal functions of the department, but rather to make possible a change of emphasis among these functions. It is true that as a result of this and other legislation of the last few years, new functions have been added, and many older ones have been greatly stimulated and enlarged; but with a few minor exceptions the previously existing organization, with its bureaus, offices, divisions and sections, was not changed. In a few instances new designations were adopted which were intended to indicate more clearly the principal functions of the various units. The important changes that were made had to do with the re-grouping and the reapportionment of the activities of the department.

In making these changes, four fairly distinct objects were kept in view: first, the avoidance of all unnecessary duplication of effort; second, the assignment of each activity to that subdivision which was best adapted to the proper handling of it; third, the provision of more and better facilities for performing those functions which it was desired to emphasize; and fourth, the division of the activities of each bureau into three distinct groups comprising, respectively, its regulatory, its research, and its educational functions.

At first glance, it might appear that a more logical grouping would have been secured by giving to certain bureaus all of the regulatory work, to others all of the research work,

[10] 38 Stat. L. 415.
[11] 38 Stat. L. 1086.

and to still others all of the educational work; but, as we shall see later, such a division would have been very undesirable, if not impossible.

The primary subdivision in the Department of Agriculture, as in the other federal departments, is the bureau. Not all of the units of this rank are called bureaus, because of the selection in some instances of designations that are intended to indicate more clearly the functions performed. For instance, the bureau which is charged with the administration of most of the acts of Congress involving cooperation with the various States, is called the States Relations Service. The difference, however, is merely in the name, and not in its relation to the head of the department or to the units of the same rank. Each bureau is under the supervision of a bureau chief who is directly responsible to the Secretary. In the larger bureaus, much of the administrative work is under the immediate direction of an assistant chief of bureau, who, in the absence of the chief, becomes the acting head. The principal administrative units within the bureau are generally known as divisions. These vary in number according to the number of distinct activities which have been assigned to the bureau. Where the work of the division is very large or diverse, this unit is in turn subdivided into lesser units called sections. In some instances, where the work of the section is unified, not voluminous, and not related to the work of any division, the head of the section is associated administratively directly with the chief of bureau. For purposes of centering responsibility and giving definiteness to the work, divisions and sections are sometimes still further divided into projects. These projects are immediately supervised by a project leader who reports to the section or division head.

Not all of the activities of the department are grouped into bureaus for administrative purposes. Those functions which relate to the department as a whole have been assigned to units which although not forming a part of any bureau, are ranked as divisions, whose principal officers are

directly responsible to the department head. Examples of this are the Division of Publications and the Division of Accounts and Disbursements. Other activities have, by law, been assigned to boards composed of representatives from various bureaus. Such units as this constitute anomalies in the general scheme of organization. Still other activities are, for various reasons, carried on by units which form integral parts of the Secretary's office. These subdivisions are designated as offices, with appropriate names to indicate their principal functions.

This general plan of organization, with its rather numerous divisions and subdivisions has been criticised as constituting too wide a gap between those officers who are directly engaged in doing the actual work of the department and those who are responsible for the success or failure of that work. Such a condition, it is asserted, is conducive to what is called government "red-tape" and the consequent loss of energy and proper understanding. It is true that many of the principal administrative officers have a very inadequate appreciation of some of the work which they are directing.

In an organization whose activities are fairly unified, or which are sufficiently simple that they might be grasped in some detail by one or a few men, such a criticism as the above would be valid. But in an institution such as the Department of Agriculture, with its extensive field of operation and its multiplicity of diverse activities, it is impossible for one man to obtain a comprehensive grasp of the whole. The same is largely true even in some of the larger bureaus. Chiefs of bureaus are not always sufficiently familiar with the details of their respective functions to give them the most effective direction and coordination. Furthermore, these men are for the most part trained scientists and not trained administrators. Frequently, their special scientific interests claim their time and attention to the detriment of other equally important administrative problems.

Perhaps the only effective way to remove this administra-

tive difficulty would be to create additional bureaus. In the opinion of those responsible for the present plan of organization, the creation of more bureaus, and the consequent increase in overhead expenditures, the splitting up of functions that are naturally similar in character and the resultant duplication of equipment and effort would more than offset any possible advantages to be gained by a more intimate relationship between administrator and worker.

The organization, as effected under the act of March 4, 1915,[12] and as at present recognized by Congress, consists of eighteen fairly distinct administrative units, comprising eleven bureaus, two offices, two divisions, two boards, and a library. In order to indicate how the entire work of the department has been distributed for administrative purposes, it is believed advisable to give a very brief summary of the principal functions of each of these units. Changes in the assignment of minor duties, are, of course, made from time to time; but it is very unlikely that any important changes will occur except as a result of a complete reorganization.[13]

Office of the Secretary

The office of the Secretary exercises general administrative or supervisory authority over the entire personnel and activities of the department. The Assistant Secretary is required to perform such duties as may be assigned to him by the Secretary.[14] In case of the absence or disability of the Secretary, the Assistant Secretary may act as Secretary. If both of these be absent or disabled, the Chief of the Weather Bureau, the only other officer whose appointment is subject to confirmation by the Senate, acts as Secretary.

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[12] 38 Stat. 1086.

[13] In summarizing the work of the various units, the "Program of Work of the U. S. Dept. of Agriculture for the fiscal year 1917" has been used. No account has been taken here or elsewhere of the numerous and important war activities undertaken by the Department since April, 1917. While these may result in some permanent changes both in the organization and duties of the Department, their temporary character makes it seem inadvisable to include them here.

[14] 34 Stat. L. 1256.

Rather peculiarly, the principal subdivisions of the Secretary's office are also called offices. These are: the Office of the Chief Clerk, the Office of Information, the Office of Inspection, the Office of Exhibits, the Office of Forest Appeals, and the Office of the Solicitor.

The Chief Clerk is charged by law with the general supervision of the duties of the clerical workers of the Department[15] and the superintendence of the buildings occupied by the department.[16] He also makes provision for the securing of supplies and miscellaneous services. In the performance of his duties the Chief Clerk cooperates very closely with the chief clerks of the principal units of the departments; whose duties, within their respective spheres, are similar to his own. As an aid in the enforcement of the general administrative regulations of the department, the regulations have been conveniently arranged in a small manual, which is supplemented by the issuance of general orders, either by the Secretary or the Chief Clerk, as the need therefor arises.

The primary function of the Chief of Information is to prepare and issue to the press current information regarding the work of the department in general. It also issues a weekly news letter containing seasonal and other information in popular form.

The Office of Inspection assists the Secretary in adjusting financial claims made against the department or units thereof, and in matters pertaining to personnel inspection.

The Office of Exhibits has direct charge of all matters relating to agricultural exhibits made by the department at fairs and expositions.

The Office of Forest Appeals was created to assist the Secretary in reaching final decisions on appeals made from the decisions of the Forest Service in matters relating to the administration of the national forests.

As the name implies, the Office of the Solicitor is con-

[15] Rev. Stat. secs. 173, 174.
[16] 36 Stat. L. 417.

cerned with the supervision and direction of the legal work of the department,[17] including that connected with the enforcement of the various regulatory laws.

The Office of Farm Management is another unit of the department which is administratively closely associated with the Secretary's office, but is not integrally a part of it. Its primary function is the investigation of various types of farm organization and management, including studies of the cost of production of various agricultural products, and farm accounting.

The Weather Bureau

The Weather Bureau was transferred to the Department of Agriculture in 1891.[18] Its principal duties are the forecasting of the weather; the issue and display of weather and storm warnings for the benefit of agriculture, commerce, and navigation; and the study and observation of various climatic conditions in order that dependable records may be kept. Numerous stations and substations have been established throughout the country. This bureau has no regulatory duties.

Bureau of Animal Industry

As previously indicated, this bureau was established by special act of Congress for the purpose of encouraging and protecting the live stock and meat industries of the United States. Besides conducting scientific investigations relating to the production and care of domestic animals, and the causes and prevention of animal diseases, this bureau is charged with the administration of all the regulatory laws relating to the live stock industry. In this latter function, as we shall see in a later chapter, this bureau cooperates very closely with the Solicitor's office.

Bureau of Plant Industry

This bureau is charged with the investigation of those problems which have to do with agricultural production. It

[17] 36 Stat. L. 417.
[18] 26 Stat. L. 653.

conducts studies in the causes and prevention of plant diseases; of methods of improving soil fertility, of plant breeding, of the introduction of foreign seeds and plants, and of many other phases of crop production. It has charge of the administration of the seed-importation act.

Forest Service

The Forest Service was estabished as a bureau in 1902.[19] For many years prior to this time, investigations relating to forestry had been carried on by a division in the department. Such investigations are still continued; but since 1905, the chief work of this bureau has been the administration of the numerous laws and regulations relating to the vast national forests of the country.

Bureau of Chemistry

The work of the present Bureau of Chemistry is the outgrowth of a small appropriation made in 1848 for the chemical analyses of vegetable substances. Since then its investigations have been extended to cover a wide range of food products including eggs, poultry, and fish. It also engages in chemical investigations for other departments of the Government. In addition to its investigative work, this bureau, because of its excellent laboratory facilities, has been charged with the administration of the food and drugs act of 1906 and the amendments thereto. This involves the analysis of numerous samples of foods and drugs, which are collected and sent in by agents of the bureau who are scattered throughout the country. This law and its administration will be treated in detail in a later chapter.[20]

Bureau of Soils

As the name implies, this bureau is primarily concerned with the chemical and physical analyses of soils. It has

[19] 32 Stat. L. 295.
[20] Chapter iv.

made numerous and extensive soil surveys in various parts of the country. Because of the recently increased demand for natural fertilizers, this bureau has begun extensive investigations of the fertilizer resources of the United States. It also assists in the classification of agricultural lands on the reclamation projects and in the national forest reserves.

Bureau of Entomology

The Bureau of Entomology conducts extensive investigations relating to insects, particularly those which are injurious or beneficial to plant or animal life and the best means of destroying those found to be injurious. It assists in supervising and enforcing such quarantines as are established by the Secretary for the prevention of the spread of insect pests.

Bureau of Biological Survey

This bureau is charged with the maintenance and supervision of the various game bird reservations that have been established in recent years. It conducts investigations regarding the food habits of birds and wild animals; makes surveys relating to the supply, migrations, and geographic distribution of such birds and animals; carries on experiments and demonstrations in the control or eradication of birds and animals which are injurious to agriculture and animal husbandry; and cooperates with state agencies in the protection of game. This bureau is also in charge of the administration of the two federal laws which have been passed for the protection of wild game.

Bureau of Crop Estimates

The principal function of this bureau is the securing, and compiling of data regarding crop and animal production and the making and publishing of periodical estimates based thereon. Most of its information is derived from reports received from thousands of voluntary crop reporters. These reports are checked and compared with more general

reports received from county reporters, and with information received from a salaried agent in each state whose duty it is to inspect and supervise the work of the voluntary reporters. This bureau also collects numerous agricultural statistics relating to foreign and domestic agriculture. This latter was the principal object contemplated under the original federal appropriation for agriculture in 1839.

States Relation Service

Prior to the reorganization of the department in 1915, this unit was known as the Office of Experiment Stations, because it had been established primarily for the purpose of supervising and coordinating the work of these State institutions. As a result of the more logical re-grouping of the department's activities, its scope was enlarged to include the supervision of practically all of the work involving direct cooperation with state agricultural institutions, including the very extensive work contemplated under the Smith-Lever Act of May, 1914. The functions of this bureau are thus almost entirely regulatory and educational. It does, however, carry on important research work in the field of home economics and methods of agricultural education. An examination of its cooperation with state institutions will form an important part of the following chapter.

Office of Public Roads and Rural Engineering

While this unit is not officially designated as a bureau, it does have very nearly the same administrative status. It is one of those units which has no independent statutory basis, but exists solely by virtue of the annual appropriations made by Congress.

Its chief function is the investigation of methods of road construction, maintenance and management; experimenting with various kinds of road materials; and giving expert advice relating to these subjects. Since the reorganization in 1915, it also investigates and advises upon questions con-

nected with irrigation, farm drainage, and other rural and agricultural engineering problems. It also supervises the administration of the recently enacted Federal Aid Road Act.[21]

Bureau of Markets

The Bureau of Markets, although the newest of the principal subdivisions of the department, has grown to be almost the largest from the standpoint of amount of money expended and the number of people employed. This is one noteworthy result of the great emphasis that has been placed upon agricultural economics during the last four or five years.

The investigational work of this new bureau centers around the transportation, marketing and distribution of farm products, and the improvement and encouragement of cooperative efforts, both economical and social, among farmers. It also does important investigational work in the testing of cotton and in the establishment and demonstration of market grades and standards. In addition to its investigative functions, this bureau is charged with the administration of three very important regulatory measures: the United States cotton futures act, the United States warehouse act, and the United States grain-standards act. This important work will receive further consideration.[22]

Miscellaneous

Other subdivisions of the department are: The Division of Accounts and Disbursements, which exercises general supervision over the fiscal affairs of the department; The Division of Publications, which supervises the printing and publication work of the entire department; The Insecticide and Fungicide Board, already mentioned, which supervises the enforcement of the insecticide act; The Federal Horticultural Board, created by the Secretary by direction of

[21] See chapter iii.
[22] See chapter iv.

Congress, to assist in the administration of the plant quarantine act; and the Library, which is considered to be one of the largest and most valuable collections of scientific books and materials bearing upon agriculture in the world.

From this very brief summary of the principal lines of work of the Department of Agriculture, some conception may be gained of the multiplicity of activities of this—one of the most recently created—federal executive department. It is only by such detailed study that we are enabled adequately to appreciate the tremendous work of the Government, and the administrative machinery required for its proper execution.

The revelations are all the more impressive when it is remembered that we are living under a political system founded on the theory that the great majority of the subjects about which we have been speaking are matters originally considered to be primarily of local concern and hence not within the domain or sphere of the central government.

In what has been written thus far, frequent reference has been made to the cooperation of the Department of Agriculture with other governmental agencies in the performance of its duties. It will be our purpose in the following chapter to consider in some detail the administrative organization and methods involved in this cooperation.

CHAPTER III

Cooperative Relations of the Department of Agriculture with Other Federal Services and with State Institutions

As indicated in the preceding chapters, one objective in the development of the organization of the Department of Agriculture, and particularly in the reorganization effected in 1915, has been the bringing together into one bureau or other subdivision of those activities which are, by their nature, closely related. In general, this has been accomplished with marked success. However, there are certain to be here, as in other administrative organs whose activities are numerous and varied, many functions which are difficult properly to classify and to assign. Should the investigation of soil fertilizers and fertilization be made a part of the general study of soils, or is it more closely related to the subject of crop production? Should the work of eradication of insect pests which are alike harmful to fruit trees, shade trees, and forest trees be assigned to the Forest Service or to the Bureau of Plant Industry? These and similar questions are constantly being presented for solution. Indeed, the proper distribution of functions so that they will be most effectively performed, with a minimum waste of energy and the least duplication of effort, is here, as elsewhere, a primary concern of the general administrator. Generally, careful attention to all of the factors involved will make a logical and satisfactory assignment possible. In rare instances, an arbitrary decision may be necessary.

Where the grouping of functions has not been predetermined by legislative enactment,[1] it is the general adminis-

[1] Discussion of the fundamental problems here suggested, viz., should administrative functions be assigned by legislative or by administrative agencies?—has been purposely avoided as not properly

trative policy of the Department of Agriculture to assign each activity to that subdivision which, all things considered, seems best fitted to perform it effectively. When the activity in question is related to the work of two or more administrative units, effort is made to avoid friction and duplication by close cooperation between the subdivisions involved.

No attempt will be made to trace the numerous forms which such cooperation may take. It may be very formal, based upon a written agreement which stipulates the duties to be performed and the expenditures to be made by each unit; it may be informal, based upon a verbal agreement or understanding; or it may be merely the common use of certain facilities or materials. In the main, these internal cooperative efforts have accomplished the desired ends.

When Congress assumes the task, as it commonly does in larger matters, and frequently does even in detail, of not only creating the administrative machinery, but also assigning the tasks which each unit shall perform; that body is confronted with essentially the same problems as confront the administrator when these questions are not predetermined for him. That Congress has not always fully appreciated the nature of its task is shown by the incongruities which have existed, and which to some extent still exist, in the work of the executive departments. The existence of these anomalies is largely attributable to the more rapid growth of governmental activities than of governmental machinery or organization. The reluctance of Congress to create additional executive departments has resulted not only in the overtaxing of department heads, but also in the bringing together, in some instances, of many totally unrelated functions. In recent years an outlet has been found in the creation of numerous independent boards and commissions.

Another constantly recurring problem for the National

forming a part of the present study. For a discussion of this question, see Goodnow, Principles of Administrative Law of the United States, p. 90, and Freund, Standards of American Legislation, p. 143.

Legislature is the assigning of those activities which are essentially related to the work already being done by two or more departments. Suppose it is decided that all importations of food shall be rigidly examined before they are permitted to enter the channels of domestic trade. Should the administration of a law, designed to accomplish this end, be assigned to the Treasury Department, which already has inspectors situated at the ports of entry, but has no facilities for the analyzing of foods; should it be assigned to the Department of Agriculture, which has splendid facilities for the testing of foods, but has no agents at the ports; or should an entirely new organization be created? Generally, the solution in such a situation has been to charge one department with the enforcement of the law in question, and to impose upon other departments or officials the duty of giving such information or assistance as their facilities or position especially qualify them to give. The proper administration of this type of laws requires various kinds of cooperative arrangements between the departments or other units concerned. The form which this cooperation shall take is largely determined by the nature of the task to be performed under the law. It will be the purpose of the next few paragraphs to show, by giving some typical examples, how the expert knowledge and facilities of the Department of Agriculture are utilized in the administration of these cooperative measures.

In order to encourage the introduction of improved breeds of domestic animals into this country, paragraph three hundred and ninety-seven of the tariff of October 13, 1913, provides for the free entry of certain animals imported for breeding purposes. Under the further provisions of this paragraph, customs officials must obtain for the free entry of such animals, certificates issued by the Department of Agriculture stating that the animals are pure bred, of a recognized breed, and duly registered in the foreign book of record established for that breed. Upon the arrival of the animals at the port of entry, notice is sent to the Secretary

of Agriculture. They are then examined by a representative of the Department of Agriculture, who reports to the Washington office the breed, sex, age, color, and markings. In case the data on the foreign certificate does not agree with the animal imported, the certificate of pure breeding will not be issued. Where all papers are found to be satisfactory, the certificate of pure breeding is sent to the collector of customs, and the foreign certificate is authenticated and returned to the importer.[2]

The enforcement of the various laws which have been enacted to prevent the importation and the exportation of diseased animals, animal products, and plants requires the closest cooperation between the officials of the Department of Agriculture and those of the Treasury Department. As the Department of Agriculture has no regular corps of port inspectors, it must rely very largely upon Treasury officials for primary information regarding shipments.

The prevalence of dangerous animal diseases in countries from which the United States obtains hides, and other animal by-products, was the occasion for the recent issue of what is known as Treasury Department and Department of Agriculture Joint Order No. 1, entitled, "Regulations governing the certification and disinfection of hides, fleshings, hide cuttings, parings, and glue stock, sheep-skins and goat-skins and parts thereof, hair, wool, and other animal by-products, hay, straw, forage or similar material offered for entry into the United States."[3] It provides for the careful handling of the various products mentioned and their disinfection under official supervision, either at the port of entry or at the point of destination.

Such regulations as these are binding upon the officials of both departments issuing them; and have, of course, the same force as the law upon which they are predicated.

The work of collecting and introducing into the United States specimens of foreign plants and animals, which was

[2] Act of Aug. 5, 1909, 36 Stat. L. 11.
[3] This Joint Order is dated Oct. 21, 1916, effective Jan. 1, 1917.

assumed by Franklin and other early American representatives in foreign countries, has now been made a part of the regular duties of diplomatic and consular agents. The instructions issued by the Department of State now require that these officials cooperate with the Department of Agriculture, either by actually collecting and transmitting specimens believed to be of value, or by making arrangements for scientific exploration parties.[4] Diplomatic and consular officers are also required by law to procure and transmit, for the use of the Department of Agriculture "monthly reports relative to the character, condition, and prospective yields of the agricultural and horticultural industries and other fruiteries of the country in which they are respectively stationed."[5]

The work of the Department of the Interior and that of the Department of Agriculture touches and overlaps at so many points that it is sometimes difficult for Congress and the department heads properly to determine their respective spheres. Indeed, it may truthfully be said that the newer department is largely an outgrowth or overflow from the older. Despite the many shiftings of functions from one department to the other, there are still many activities in which there must be close cooperation and definite understanding. The administration of the national forests is under the control of the Department of Agriculture; but the national parks, which for the most part are situated within and form a part of the national forest reserves, are administered by the Department of the Interior. The installation and management of the great irrigation reclamation projects form an important part of the work of the Department of the Interior; but the investigation of methods of irrigation, canal construction, the determination of the amount of water required for the growing of various crops, and the demonstration of the use of irrigation water upon the land

[4] Program of Work, pp. 199–200.

[5] Rev. Stat. sec. 1712, as amended by Act of June 18, 1888, 25 Stat. L. 186.

reclaimed under the projects have all been assigned to the Department of Agriculture.

Here, as elsewhere, the degree and form of cooperation are determined by the nature of the task to be accomplished in each case.

Numerous additional examples might be given to show at least some of the difficulties in organizing and distributing the multiplicity of functions which are performed by the modern government. No matter how finely the division lines may be drawn, there are certain to be many points of contact and overlapping. As previously indicated, the important task of the organizer, whether it be Congress or department head, is to secure the desired ends with the least duplication and expenditure of effort.

Cooperation with State Institutions

Years before the first appropriation of federal funds for the encouragement of agriculture was made in 1839, several of the States had made important progress in this direction. As early as 1791 New York had begun to issue annual reports on agriculture; and in 1820 had made provision for a state board of agriculture, including appropriations for its farming interests.[6] It was largely because of the work already being done by state institutions that many Congressmen failed to see the need of federal aid, when the matter was first urged upon them. The results of the efforts of the states, thus early begun, had reached considerable proportions when the Department of Agriculture was established in 1862. Much of the work done was, of course, purely of local interest and value, and of a non-scientific character. However, this and the achievements of private societies and associations constituted the principal sources for the early federal agricultural publications prior to 1862.

These state agricultural institutions continued to grow,

[6] Elkanah Watson, History of . . . the Rise, Progress, and Existing State of Modern Agricultural Societies, on the Bershire System, p. 152, Albany, 1820.

both in number and importance; but it was not until the extension of federal aid under what is known as the Hatch Act of 1887, that their research work was placed upon a sound scientific basis.[7]

This act[8] provided for the establishment of experiment stations in the land-grant colleges created under the Act of 1862. It also provided for a permanent annual appropriation of fifteen thousand dollars for each State or Territory. This sum was doubled by the passage of the so-called Adams Act of 1906.[9] This fund is to be expended exclusively for agricultural research. Since 1887 one important function of the Department of Agriculture has been the supervision and coordination of the work of these experiment stations. This is accomplished in various ways; but primarily through periodical inspections by department representatives, and the publication of what is known as "The Experiment Station Record." This scientific journal, which is perhaps the oldest and best known of all the Department of Agriculture's periodical publications, briefly describes the research work that has been completed or is in process in each of the experiment stations. It also indicates the investigational work that is being done in agriculture by other agencies, both domestic and foreign.[10] By this means it is possible to make known to the widely separated workers what has already been done, and thus avoid much needless duplication.

The general policy of the department respecting state agricultural research institutions, is to urge upon them the need of giving special attention to those problems which are of local importance, or for which their facilities or environment peculiarly fit them; and to leave to federal agencies the solution of those problems which are of more general concern. There is, however, in most of the investigational work of the department, extensive cooperation with state

[7] T. N. Carver, "History of American Agriculture," in Bailey's Cyclopedia of American Agriculture, vol. iv, p. 155.
[8] 24 Stat. L. 440.
[9] 34 Stat. L. 63.
[10] See Annual Reports of the Department of Agriculture, 1916, p. 303.

institutions and workers. Thus, in the eradication of plant and animal diseases,[11] in the investigation of dairying and milk sanitation,[12] in the development of marketing and marketing facilities,[13] in the promotion of boy's and girl's clubs,[14] and in the study of problems of forestry,[15] extensive use is made of the work that has been done by local agencies and of the facilities afforded by them. Because of the special interest of Wisconsin in the study of forestry, and the exceptional equipment that has been provided there, very much of the work of the department in this field is done in closest cooperation with the agricultural college and experiment station of that State.

In the relationships of the Department of Agriculture with state institutions, as in those with other federal services, the particular form of agreement or working program is determined by the nature of each case. Generally, if a specific object is to be accomplished, if a definite sum is to be expended by each party, or if all or a certain portion of the time of workers is to be utilized in a joint undertaking, the project is reduced to the form of a written agreement. A copy of such an agreement is shown in Appendix II. Similar project arrangements are also made for much of the purely research work.

Most of the cooperative relationships between the Department of Agriculture and state institutions to which attention has been directed, except the general supervision of experiment stations, are such as have naturally grown out of the circumstances; and are not enjoined upon either party by specific legislation. In recent years, however, a number of laws have been enacted by Congress which have as their basic principle direct cooperation with state institutions. Besides the laws providing for the establishment and aid of

[11] Program of Work, pp. 33–40, 96, 104, 107.
[12] Ibid., p. 41 ff.
[13] Ibid., p. 459.
[14] Ibid., pp. 65–70.
[15] Ibid., pp. 248–249.

agricultural colleges[16] and experiment stations, to which reference has already been made, the Smith-Lever Act of May, 1914,[17] and the Federal Aid Road Act of July, 1916,[18] both require extensive cooperative relations with state agencies.[19] It is to the consideration of the administration of these measures that the remainder of this chapter will be devoted.

The Act of 1862, providing for the establishment of state agricultural colleges, made no provision for the exercise of federal supervision or control over the expenditures made by the states of funds derived from the federal treasury. All that was required was that reports should be made annually of the progress of each college, the sales of land script, and the use made of the proceeds therefrom. The Act of 1887, creating the agricultural experiment stations, likewise made no adequate provision for effective control, by the federal government, of the funds appropriated by Congress. In addition to the usual annual reports, it required the experiment station to publish bulletins periodically showing the results accomplished, and made it the duty of the Commissioner (now Secretary) of Agriculture to furnish certain forms, to indicate lines of inquiry which might be most profitably followed, and to give advice and assistance. Somewhat more adequate control was reserved to the federal government in the act of 1906, (supplementary to the act of 1887) which, in addition to requiring the annual reports of expenditures, made the payment of the

[16] The laws appropriating federal funds for the aid of agricultural colleges, the so-called Morrill Act of 1862 and amendments thereto, are administered by the Department of the Interior. Only those relating to the experiment stations are administered by the Department of Agriculture. The law of 1890, supplementing the Morrill Act, requires that copies of financial reports be sent to the Secretary of Agriculture as well as the Secretary of the Interior.

[17] 38 Stat. L. 372.

[18] 39 Stat. L. 355.

[19] The so-called Smith-Hughes vocational education act is not administered by the Department of Agriculture, but by a vocational education board, of which the Commissioner of Education is chairman. The Secretary of Agriculture is a member of this Board. This is also a cooperative measure.

yearly sums appropriated for each State and Territory conditional upon the ascertainment by the Secretary of Agriculture that it had complied with the provisions of the act and was entitled to receive its share of the appropriations for agricultural experiment stations.

The Smith-Lever Act of 1914, however, in addition to requirements and conditions similar to those imposed by the acts of 1887 and 1906, as a prerequisite to sharing in appropriations of federal funds, provides a detailed and comprehensive scheme of administration and control of expenditures. It not only requires annual reports to be made of receipts from all sources, and expenditures for carrying out the objects of the act; but expressly limits the scope of activities of the state institutions under the act to cooperative work of such a character as shall be mutually agreed upon by representatives of each college and the Secretary of Agriculture. It also makes prior approval by the Secretary, of plans for the work to be carried on during each year, an indispensable condition precedent to the payment of any of the funds appropriated by Congress.

The purpose and scope of the Smith-Lever Act, as stated in its first two sections, are as follows:

> Section 1. That in order to aid in diffusing among the people of the United States useful and practical information on subjects relating to agriculture and home economics, and to encourage the application of the same, there may be inaugurated in connection with the college or colleges in each State now receiving, or which may hereafter receive, the benefits of the Act of Congress approved July second, eighteen hundred and sixty-two, entitled 'An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' . . . agricultural extension work which shall be carried on in cooperation with the United States Department of Agriculture. . . .
>
> Section 2. That cooperative agricultural extension work shall consist of the giving of instruction and practical demonstrations in agriculture and home economics to persons not attending or resident in said colleges in the several communities and imparting to such persons information on said subjects through field demonstrations, publications, and otherwise; and this work shall be carried on in such manner as may be mutually agreed upon by the Secretary of Agriculture and the State agricultural college or colleges receiving the benefits of this Act.

The initial appropriation under this law for the fiscal year 1915 was four hundred and eighty thousand dollars—ten thousand dollars to each of the forty-eight States. This sum was to be increased by six hundred thousand dollars for the next fiscal year until the total sum should be four million five hundred and eighty thousand dollars. Thereafter a permanent annual appropriation of this latter amount is to be made. No payment is to be made to any State except by the assent of its legislature, or Governor, if the legislature is not in session, to the terms of the act. The amounts appropriated in excess of the original ten thousand dollars to each State is to be prorated among the States in the proportion which the rural population of each bears to the total rural population of all the states, as determined by the next preceding federal census.[20] It is further provided that no part of this latter amount shall be paid to any State until an amount of money at least equal to the prorata share of that State shall have been appropriated for the year by the legislature or other agencies within the State, to be expended for the purposes contemplated under this act.

If, for any reason, the Secretary of Agriculture refuses to certify that any State is entitled to its portion of the appropriation, provisions are made for an appeal by such State to Congress.

Immediately after the approval of this act, the Secretary of Agriculture appointed four of his subordinates as a committee, pending the reorganization of the department, to make arrangements to carry it into effect. A memorandum agreement between the Secretary of Agriculture and the presidents or deans of the agricultural colleges was drawn up and adopted by practically all of the state representatives. The assent of all the States to the provisions of the act was obtained, and an organization for the administration of funds granted to the colleges under this act, as well as the funds appropriated for extension work by state

[20] In determining the rural population, the policy of the Bureau of the Census has been to count as rural all persons who live in communities of less than 2500 inhabitants.

agencies, was formed in each of the state colleges. These organizations resemble and are coordinate with the agricultural experiment stations. They have at their head directors of extension work corresponding to the directors of experiment stations.

Through the extension divisions of the colleges a large number of projects for cooperative extension work in a great variety of lines have been formulated and agreed upon under the general memorandum of agreement.[21]

In the reorganization of the department in 1915, a new administrative unit was created, in which has been brought together practically all of the administrative and advisory work of the department in its relations with state agricultural institutions. This bureau is called the States Relations Service. Under a regulation issued by the Secretary, all business of the department with these state institutions must be transacted through the States Relations Service.

The supervision of the work of the experiment stations is conducted by a subdivision of this bureau called the Office of Experiment Stations. This has already been described. Administration of the cooperative work is accomplished through two other subdivisions called, respectively, The Office of Extension Work in the South, and The Office of Extension Work in the North and West. As the names indicate, the division of work is territorial. This arrangement is due in part to the existence of very dissimilar problems and conditions in the respective fields, and in part to the previous existence of similar administrative units. There is, of course, the closest relationships between these subdivisions and the extension divisions of the various colleges; but always following the general procedure previously indicated.

Perhaps the most distinctive feature or development under the Smith-Lever Act is the official generally called the county agent. The field of these workers, as the designation implies, is usually limited to one county. Although they work

[21] Reports of the Department of Agriculture, 1915, p. 299.

under the immediate direction either of the state director of extension or the state county agent leader, they are in reality officials of the federal and state governments. They are paid from the joint cooperative funds. Such agricultural agents or teachers may now be found in more than half of the counties in the United States.[22]

The county agents are greatly aided in their work by what are known as county farm bureaus. These are organizations of farmers and others interested in agriculture formed largely for the purpose of cooperating with the county agent. They also assist in the providing of funds in those states which depend in part upon voluntary contributions.

In a constantly increasing number of counties, particularly in the South, the work of the county agent is supplemented by the work of a woman home economics demonstrator, whose duty it is to assist in the education of rural women by conducting demonstrations in homes or in rural community gatherings. The ultimate plan is to supply each rural county with at least one county agent and a home economics demonstrator.

This system of county agents, when fully developed, should constitute a most efficient administrative device for the effective and rapid promulgation of any general agricultural policy. While the appointment of these workers is left almost entirely to the States, with the consequent lack, in most cases, of civil service tests, the appointments thus far seem to have been based upon merit, and have been made with little or no regard to political affiliation. The great majority of them are chosen from the graduates of the agricultural colleges. Politicians will probably not fail to see the strategic political advantages which men working in this capacity have. The value of the service, therefore, will depend in large measure on the extent to which it is subverted to the accomplishment of political ends.

In the great majority of instances the cooperative rela-

[22] There are approximately 3500 counties in the United States.

tionships between federal and state agencies under the Smith-Lever act have been harmonious. The only serious disagreement of which the writer is aware, arose in Illinois shortly after the act became effective. In this State very large appropriations are made for the advancement of agriculture. It was the belief of some of those concerned with the administration of this fund, including the Dean of the Agriculture College, that the federal funds were not of sufficient importance, relatively, to justify the State in submitting to the regulations imposed by the federal government.[23] After considerable discussion, a somewhat tentative agreement was concluded, but not without the pressure incident to the war and the necessity for speeding up all agricultural processes. It is the opinion of the Director of the States Relations Service, however, that the difficulties can be amicably settled when more complete understanding is reached.

Another measure which contemplates less fortuitous and more deliberate cooperative relations with state institutions than the earlier and more general laws committed to the Department of Agriculture is the Federal aid road act, approved July 11, 1916.[24]

The enactment of this law marks a very considerable advance in federal policy concerning the improvement of the public highways. For more than twenty years, prior to this time, the efforts of the federal government had been limited to research and education for the purpose of developing improved methods of road construction and maintenance and imparting such information to local road builders.

The wide-spread interest in improved highways, due largely to the rapidly increasing use of motor vehicles, has led to the introduction at each recent session of Congress of many measures calling for federal aid to supplement the efforts of the States and counties. In 1912 a joint com-

[23] A copy of these regulations is included in appendix ii.
[24] 39 Stat. L. 355.

mittee of both houses of Congress was created for the purpose of investigating the subject of federal participation in highway construction. This committee made an exhaustive report in the following year, and a standing committee on roads was appointed in the House of Representatives.

The Federal aid road act, which marks the culmination of this agitation, carries an appropriation of seventy-five million dollars to aid the States in the construction of rural post roads, and ten million dollars to be expended for the construction and maintenance of forest roads and trails. The appropriation for rural post roads was made available at the rate of five million dollars for the fiscal year ending June 30, 1917, ten million dollars for the next fiscal year, fifteen million dollars for the third, and so on for five years, ending June 30, 1921.

The appropriation for forest roads and trails was made available at the rate of one million dollars per fiscal year beginning July 1, 1916. A sum not to exceed three per cent of the post road appropriation may be used by the Secretary of Agriculture for administering the act. The apportionment of this fund among the States, after deducting the amount allowed for administration, is based upon the relative areas, population, and mileage of rural delivery and star routes in each State, each of these factors having a weight of one-third. Any unexpended balance of an allotment to a State remaining unexpended at the close of the fiscal year for which it is made may be carried over to the next fiscal year. If such balance is not expended by the close of the second year, the amount is re-allotted among the States on the basis of the original apportionment.

The federal appropriation for post roads may be expended only for construction, must not exceed fifty per cent of the total estimated cost of the road, and in no case be more than ten thousand dollars per mile, exclusive of bridges of more than twenty feet clear span.

In order that a State may receive the benefits of the post road provisions of the federal act, it must have a state

highway department, and the construction on which federal funds are expended must be done under the direct supervision of that department. The act requires, as conditions precedent to participation by any State, that the legislature or governor shall formally assent to the terms of the act, that an amount of money at least equal to the federal funds shall be made available by or on behalf of the State, and that the plans, specifications, and estimates for all projects shall be submitted to and approved by the Secretary of Agriculture.

The sum appropriated for the construction and maintenance of forest roads and trails is to be derived from the sale of forest products. The amount which may be expended under this section of the act in any one State, Territory or county shall not exceed ten per cent of the value of the timber and forage resources which are or will be available for income from the national forest lands within the respective county or counties wherein the roads or trails are constructed. The State, Territory or county is required to enter into a cooperative agreement with the Secretary of Agriculture for the survey, construction, and maintenance of such roads and trails upon an equitable basis.

The cooperative requirement is the only new feature in this section of the Federal Aid Road Act. At least three other measures[25] had been previously passed by Congress providing for the sharing of the receipts from national forests between the federal government on the one hand and the state and county governments on the other. In so far as the funds secured under the operation of these acts are expended for construction and maintenance of roads and trails, the Department of Agriculture is represented by both the Forest Service and the Office of Public Roads and Rural Engineering. Otherwise they are administered by the Forest Service alone.

The administration of that part of the Federal Aid Road

[25] Act of May 23, 1908, 35 Stat. L. 251; Act of March 1, 1911, 36 Stat. L. 963; Act of March 4, 1913, 37 Stat. L. 828.

Act relating to post roads has been assigned by the Secretary of Agriculture to a previously existing administrative unit known as the Office of Public Roads and Rural Engineering. Prior to this time the work of this office had been almost wholly devoted to research and the giving of expert advice to road builders. The administration of this new measure necessitated a complete reorganization. To meet the new demands, the work of the office was grouped in two branches, known, respectively, as the engineering division and the management and economics division. At the head of these divisions were placed a chief engineer and a chief of management, respectively, who are under the immediate supervision of the director of the office. There are also two general inspectors who operate independently of the two branches and report immediately to the director. For administrative purposes the country has been divided into ten districts, with a supervisory engineer in charge of the construction work in each district. These engineers report directly to the chief engineer.[26]

Immediately after the passage of the act, and under the authority contained therein to make rules and regulations for carrying into effect its provisions,[27] the Secretary of Agriculture called a conference of the heads of the various state highway departments, to whom was submitted a tentative draft of rules and regulations. Most of the suggestions of the state officials were incorporated in the final draft.

The procedure adopted provides for the submission of an application, known as a project agreement, by the state highway department to the district engineer, who examines the road that it is proposed to improve or construct, and

[26] Reports of the Department of Agriculture, 1917, p. 359.

[27] This and a number of other recent acts specifically confer upon the officer or department charged with the administration power to make necessary rules and regulations. Under our system of government this power would exist irrespective of any specific grant. Such rules and regulations must, however, conform strictly to the law upon which they are predicated.

transmits the project statement with his recommendations to the Washington office.

If the project statement is approved, the plans, specifications and estimates are then submitted by the state highway department to the district engineer, who in turn sends them to the central office with his recommendations. If they are found to be suitable, a formal certificate to that effect is issued by the Secretary of Agriculture to the Secretary of the Treasury and to the state highway department, and a formal project agreement is signed. As the work progresses, or upon its completion, payment of federal funds is made to the depository named in the agreement.

Thus it will be seen that the procedure required is somewhat elaborate. However, it does not seem to be more than is neecssary properly to safeguard the expenditure of so large a sum of money and the interests of those officials who are made responsible. The actual procedure has been greatly simplified by the adoption of standardized forms, arrangements of plans, estimates, and specifications.

It is perhaps too early to form any estimate of the success of this measure. The most notable result thus far has been the effect upon the highway laws and institutions of the States. At the time of the passage of the act, fully one-fourth of the States could not avail themselves of its provisions because of inadequate organization. At the present time, all of the States have highway departments; and most of them have passed such legislation as to centralize the construction and maintenance of roads in these departments. This should greatly facilitate the cooperative administration contemplated under the act.

Whether the application of the cooperative principle to the vast enterprise of building the highways of the nation will produce the largest measure of benefit to the people remains to be seen. If the administrative difficulties can be amicably and properly solved, there would seem to be little doubt as to the practical benefits. The two cooperative measures described in this chapter should furnish ample

opportunity for testing this comparatively new principle in the relations between the two branches of our federal form of government.

In one of his recent books, Professor Laski in the course of a rather severe criticism of our governmental practices says:

> No kind of working compromise has been reached between the States on the one hand, and the Federal Government on the other. Each has gone its way often almost wilfully, duplicating the work of the other. . . . The possibility of cooperation is not considered. The lines of demarcation are never made plain.[28]

Had Professor Laski been aware of the progress already made in the directions he indicates, it is probably that his criticism might have been turned to commendation.

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[28] H. J. Laski, The Problems of Sovereignty, March, 1917.

CHAPTER IV

Administration of Important Regulatory Laws

Thus far in our consideration of the administration of law, we have been primarily concerned with that type of legislation which, while controlling the actions of administrative officers, leaves the citizen, in whose interest the laws have been enacted, practically free to avail himself of any benefits which may be derived, or to disregard them altogether. Such is that very considerable body of legislation upon which the purely educational activities of the Department of Agriculture are based.

There are, however, as has been previously pointed out, other laws, whose administration has been committed to this department, which have as their primary and immediate object the regulation and control of the conduct of the citizens themselves. Of course, the ultimate object is the same in both cases, that is, the advancement of the welfare of those for whom the government acts. The difference is mainly in the means and the methods employed. This difference in procedure gives rise to several important administrative consequences in the latter type of legislation which are not present in the former. It is to the consideration of some of these that the present chapter will be devoted.

Professor Learned says:

> The fabric and the administrative machinery rest on the written laws. But the laws, as Burke very well understood, reach but a very little way. Administration, to be effective, must often depend on practices of which the written law takes little or no account. Behind the law there are assumptions which give room for the exercise of individual judgment and discretion essential to their proper execution.[1]

It is in these federal laws which are intended to govern the conduct of individuals that the truth of this statement

[1] Learned, p. 368.

is most clearly seen. Generally, they are what may be termed conditional statutes. Such statutes, says Goodnow, "lay down the conditions and circumstances in which it will be lawful for the administration to act, and the act of the administration in enforcing them does not consist merely in seeing that the laws as passed by the legislature are executed; but rather in elaborating the details as to points which the legislature is unable to see, or which, if it can foresee, it is unable to regulate. While the absolute unconditional statutes are, as a general thing, addressed to the persons subject to the obedience of the state, these conditional stautes are rather addressed to the administrative authorities and are in the nature of instructions to them how to act in the general classes of cases for which provision has been made. The action of the administration in the case of the unconditional statute is confined simply to the execution of the state will. In the case of the conditional statute, the administration has not merely to execute the state will; but has as well to participate in its expression as to the details which have not been regulated by the legislature."[2]

The legislative ideal of the United States, contrary to that which prevails in most European countries, has been to furnish minute and detailed instructions and directions to the executive. The laws have been so drawn as to leave the administrative officials little or no discretion. Jealously guarding their powers and prerogatives, legislators have attempted to foresee and to provide in the wording of the bills for all possible contingencies.

So far as the national legislature is concerned, there seems to be a different tendency in recent years. This tendency is particularly noticeable in the exercise of what has been termed the 'police power.' Either because of the tremendous expansion of the activities of the central government in this field, which has made it impossible for the legislative

[2] Goodnow, Principles of the Administrative Law of the United States, p. 325.

body to keep pace; or because of the greater complexity of this type of legislation, which has made congressmen recognize their inability to provide for all contingencies which may arise, more latitude is being given to the executive authorities. All of the measures which we shall consider in this chapter specifically authorize the Secretary of Agriculture to promulgate such rules and regulations as may be necessary for making them effective.

It is this provision which gives elasticity to otherwise rigid laws. To what extent it may be necessary or desirable thus to supplement the statutory law, depends in part upon the provisions of the law itself and, in part, upon the nature of the subject or relationships to which the law is applicable. Even administrative officers find that they must rely largely on experience in formulating such regulations as will most effectually carry out the intent of the legislative body. The result is that the regulations are either issued serially as the need arises, or must undergo periodical revision.

The power to issue these regulations, as previously indicated, is purely a delegated one. Under the American system of government, administrative officers have no general ordinance power. Such regulations as are issued, then, derive their legal force from the law upon which they are predicated, and which they are intended to supplement.[3] To the extent that they represent a reasonable interpretation of the statutory provisions, they have the same legal force as the law itself.

In determining what is the real intent of the law, or of the legislative body, administrative officers are frequently confronted with problems which are not unlike those that are presented to the courts in their interpretation of the law. Generally, and unless otherwise specifically provided, the question as to the conformity of an administrative regulation with the law must, where appeal is made, be answered by the courts. In determining whether the regulations are consistent with the law, there must be applied the same rule

[3] Ibid., p. 143.

of decision which controls when an act of Congress is assailed as being unconstitutional; that is, a regulation should not be annulled unless in the judgment of the court it is plainly inconsistent with the law.[4]

Within the scope of its jurisdiction, the adjudications of the administrative authorities is generally final, unless there is legislative provision to the contrary.[5] This is particularly true in those rules which are of general application.

Acting under the authority which has been delegated to him by Congress, the Secretary of Agriculture has issued numerous rules and regulations for the guidance of his subordinates and others affected by the operation of the various regulatory laws. Sometimes these are called circulars of the office of the Secretary; sometimes they are issued as general orders of the bureau immediately concerned. In either case they must, of course, be authorized by the Secretary.

In the enforcement of those regulatory laws which provide penalties for their violation, the Department of Agriculture, like the other executive units, must cooperate very extensively with the Department of Justice. Indeed, it may be said that the Solicitor of the Department of Agriculture, in this work, is very much like an assistant to the Attorney General.

Under an agreement with the Department of Justice, arrangements have been made for the more expeditious and economical prosecution of criminal cases and highly technical cases arising under the food and drugs act and other regulatory measures. By this arrangement the Solicitor of the Department of Agriculture reports criminal cases to the Department of Justice in the form of criminal informations, which, if approved by the United States attorneys, may be immediately filed in court.

In the trial of the cases arising under these acts the points at issue frequently call for a thorough understanding on the part of the legal representative of the Government of highly

[4] Bruce Wyman, Administrative Law, p. 290.
[5] Litchfield v. Register and Receiver, 9 Wall 575.

technical questions of chemistry or other science. In cases where such questions are involved, arrangements have been made whereby the Solicitor and his assistants will assist the United States attorneys in the actual trials. In this way there will be placed at the disposal of the Department of Justice the more intimate knowledge which must necessarily be obtained by the law officers of the Department of Agriculture in the preparation of the cases than can be acquired by the United States attorneys through correspondence or in the brief time at their command.

With this brief introduction, let us now turn to a consideration of the actual administration of a few of the most important of those regulatory measures whose enforcement has been committed to the Department of Agriculture.

Meat Inspection Act

Since the establishment of the Bureau of Animal Industry in May, 1884, numerous laws relating to the live stock industry and its products have been passed by Congress. At first, the primary, if not the sole object of this legislation, was the giving of encouragement and and protection to the industry itself. Generally, the object was to be attained either through the suppression or eradication of animal diseases; or by extending and protecting the foreign market through a rigid inspection of animals and animal products intended for export.

However, as early as 1891, the Secretary of Agriculture was instructed to inspect, prior to their slaughter, "all cattle, sheep, and hogs which are subjects of interstate commerce and which are about to be slaughtered . . . the carcasses or products of which are to be transported and sold for human consumption in any other state or territory. . . ."[6]

The making of post-mortem examinations, which now constitutes the most important feature of meat inspection, was left entirely within the discretion of the Secretary of Agriculture. The law of 1891 was supplemented by subse-

[6] 26 Stat. L. 1090.

quent enactments; but it was not until 1906 that an adequate statute, providing for a thorough inspection of meats and meat products, and having as its primary object the safeguarding of the health of the people, was passed by Congress. This latter measure was slightly amended and reenacted in its present form March 4, 1907.[7]

Under the present law emphasis is placed upon the post-mortem examination. The inspection of animals prior to their slaughter is left within the discretion of the Secretary of Agriculture. In general, the act provides for the maintenance by the Department of Agriculture of a system of inspection in packing houses and other establishments in which cattle, sheep, swine and goats are slaughtered, or the carcasses or meat products of which are prepared for interstate or foreign commerce; and prohibits the shipment or transportation of such articles in interstate or foreign commerce unless they bear the mark of federal inspection and approval as required by the act.

The provisions of the meat inspection law requiring inspection do not apply to animals slaughtered by farmers on the farm nor to retail butchers and dealers. However, the regulations of the department require that such butchers and dealers, in order to ship meat or meat food products in interstate or foreign commerce, shall first obtain certificates of exemption; but no such requirement is made of farmers. These certificates are issued only after an examination of the premises of the applicant, and after certain sanitation requirements have been met. They may be summarily revoked for any violation of the regulations.

The requirements as to sanitation in the establishments that operate under federal inspection form a very important part of the meat-inspection regulations.[8] Ample authority on this subject is granted in the act. The requirements are of two kinds: those relating to the cleanliness of rooms and equipment, and conduct of operations in plants already in

[7] 34 Stat. L. 1256.
[8] Bureau of Animal Industry Order no. 211, Issued July 30, 1914.

existence; and those fixing rules for the construction of new plants and the installation of new equipment. Prior to the inauguration of inspection, an examination of the establishment and premises must be made by an employee of the Department of Agriculture and the requirements for sanitation and the necessary facilities for inspection specified.

Some idea of the scope of these sanitary regulations may be gained from the following: There must be sufficient light to insure sanitary conditions in all rooms and compartments; there must be adequate drainage and plumbing systems; the water supply must be clean and ample and subjected to laboratory tests to insure its purity; sanitary and adequate dressing rooms, toilets and lavatories must be installed; floors, walls, ceilings and other structural parts must be of such materials as to make them susceptible of being readily and thoroughly cleaned; and all rooms and equipment used for edible products must be kept separated from those used for inedible products. Many other regulations have been prescribed to prevent the introduction or spread of communicable diseases. Inspection is not inaugurated until a satisfactory compliance with the sanitary requirements is shown and proper facilities for the conduct of the inspection are provided.

The proprietor or operator of an establishment which is subject to the provisions of the meat inspection law must file an application and submit triplicate copies of the plans and specifications of the plant. The plans are referred to the architect of the Bureau of Animal Industry to determine whether the structure and arrangements conform to the regulations. Each establishment to which inspection is granted is assigned an official number. This number identifies the plant, and must appear in every instance as a part of the mark of inspection.

When inspection is granted and an official number assigned, a force of inspectors is detailed to the establishment to perform the inspection and enforce the regulations under the direction of an inspector in charge.

Under the federal system of inspection, at least two examinations are made in all cases. While the ante-mortem examination is not now a requirement of the law, it is made in practically every instance primarily as an aid to a more effective post-mortem examination. Generally, the ante-mortem inspection is performed in the pens or yards just before the animals enter the plant. If any of a lot of animals show symptoms of disease, the entire lot is subjected to further and individual inspection. When the appearance of any animal is such as to cause the inspector to suspect that it is affected with disease that may warrant its condemnation in whole or in part on the post-mortem inspection, it is marked for identification by means of a numbered metal tag marked "U. S. Suspect." A record of the tag number and any other pertinent information is sent to the inspector in charge of the post-mortem examination. This information is given due weight by him in determining the final disposition of the animal. "Suspects" are slaughtered separately from those which are passed on the ante-mortem examination. Animals which are found in such condition as to be unfit for food are marked "U. S. Condemned," and must be destroyed or disposed of in such manner as to prevent their use for food.

The post-mortem inspection really consists of a series of examinations. These include an examination of the entire carcass immediately after slaughter, and later an examination of each of the parts. Where the output is small one inspector performs all the inspections. In large institutions the work is so arranged that each inspector gives his entire attention to some particular part. In this way each becomes a specialist, with the result that a high degree of individual and collective proficiency is attained.

Animals or parts thereof found to be free from disease or any doubtful condition are marked "Inspected and Passed"; those in which any disease or doubtful condition is found are retained for final examination.

An important requirement in the conduct of the post-

mortem inspection is that the identity of the carcass and each of its parts be carefully maintained until the inspection is completed, so that if there is disease in any one organ or part all of the other parts of the carcass may be brought together for final examination. This is accomplished through a system of numbered tags marked "U. S. Retained."

The carcasses retained on the regular inspection are sent to a room equipped with special facilities where they are subjected to a searching examination by men of special skill and thorough training and experience. The findings of these experts are final, except that appeal may be made to the Chief of the Bureau of Animal Industry or to the Secretary of Agriculture. A detailed record of each final examination and the disposition made is prepared and retained. When the several examinations have been completed, each carcass or part thereof is plainly marked to indicate the disposition that is to be made of it.

The meat inspection regulations governing the disposal of condemned articles emphasizes three important requirements. First, that every article condemned shall be plainly marked to show that it is condemned; second, that all condemned articles shall remain in the custody of the inspector until they are properly disposed of; and, third, that the required destruction or denaturing of condemned articles shall be done by the establishment in the presence of the inspector, who must render a report of the proceedings.

On account of the fact that meat which was entirely sound and wholesome at the time of slaughter may become unsound and contaminated through improper care or handling, and because healthful products may be rendered unwholesome through adulteration or the addition of deleterious substances, and for the purpose of protecting the consumer against false or misleading labels, inspection of the various processes of preparing and labeling meat products becomes necessary. This is an important part of the general system of federal inspection. Persons are selected for this work because of their practical knowledge and experience in the

handling of meats and meat food products. District laboratories are maintained at convenient points for the making of chemical analyses or other technical examinations. It is the duty of the lay inspectors to see that the requirements of the regulations as to sanitation are observed.

The meat inspection act provides that when meat or meat products which have been inspected and passed are packed, the establishment shall cause a label to be affixed to the container or covering stating that the contents have been inspected and passed. The act also provides that no meat or meat product shall be sold, offered for sale, or shipped in interstate commerce under any false or deceptive name. The regulations define at length what may or may not appear upon any label. Copies of all labels intended for use in plants under inspection must be approved in advance.

The penalties prescribed for violation of the meat-inspection act are applicable both to persons selling or offering for sale goods which have been prepared in violation of the law, and to persons or companies accepting such goods for transportation in interstate or foreign commerce. Unusually severe penalties are prescribed for the offer or acceptance of any bribe with the intent to influence any inspector or other officer in the performance of his duty.

Because of the general approval of the law and the cooperation of those engaged in the industry to which it relates, there are very few violations upon which action must be taken—less in fact than under any other of the important regulatory laws administered by the Department of Agriculture.[9]

Approximately twenty-six hundred persons are directly engaged in the federal inspection of meats and meat products, distributed in approximately eight hundred and fifty establishments. All are under the general direction of the Chief of the Bureau of Animal Industry. They are divided into two general classes—professional and non-professional.

[9] Annual Reports of the Solicitor of the Department of Agriculture.

The professional class consists primarily of veterinary inspectors and laboratory inspectors. The non-professional class is composed of the so-called lay inspectors and administrative or clerical employees. All are required to pass civil service examinations before appointment.

Certain veterinary inspectors, selected because of their experience and general qualifications, are known as traveling veterinary inspectors. Each is assigned a district in which he makes special inspection of establishments and reports directly to the Chief of the Bureau of Animal Industry as to whether the law is being properly enforced and the regulations are being observed. These visits and reports are helpful in raising the general standards of the administration of the law.

Upward of three and a quarter millions of dollars is spent annually for federal meat inspection.

The regulations which have been issued under the authority of the meat inspection law seem to be very broad and comprehensive. The original set was prepared by representatives of the Department of Agriculture in cooperation with a board of seven eminent outside scientists, of which Dr. William H. Welch of Johns Hopkins University was chairman. These have been supplemented and changed from time to time, but the general principles remain the same.

Perhaps the chief criticism of the federal meat inspection grows out of a misunderstanding as to the limitations under which the officers charged with its administration are required to work. While some form of inspection is maintained over the entire product of all establishments which sell any of their goods in interestate or foreign commerce, this does not include more than sixty or sixty-five per cent of the entire output of the country. Thus it is possible that much of the laxity of the state and local inspection is erroneously ascribed to the federal system.

Effort is being made by federal authorities to secure a higher degree of cooperation with local health officials in

raising the standards in the preparation of meat and meat products. Until this is accomplished the object of the law cannot be fully realized.

Another criticism which has been urged against the meat inspection law is that it tends to defeat the purpose of the earlier legislation passed to promote the live stock industry. The validity of this criticism rests upon the degree of fairness used in the administration of the law. Necessarily, there must be something of a compromise between the protection of the health of the people and the protection of the live stock industry. The loss which live stock producers suffer in the rejection of animals considered unfit for food is perhaps more than offset by the advantages such a system of inspection affords in detecting, localizing and eradicating animal diseases.

The Food and Drugs Act

As has already been indicated, it is only within comparatively recent years that the federal government has concerned itself directly with the protection and conservation of health. For many years this was thought to be the province and business of the States. However, in the tremendous increase in the activities of the central government in other matters directly and immediately affecting the lives and welfare of individuals, a very considerable body of federal health legislation has been gradually developed. At the present time, each of the ten executive departments is engaged directly or indirectly in the administration of one or more acts of Congress designed primarily to safeguard the health of the people.[10]

The food and drugs act,[11] commonly called the "pure food law," was approved the same day as the meat inspection act, June 30, 1906. Both were the outgrowth of previous statutes which had proved inadequate or ineffective.

Briefly stated, the food and drugs act forbids the im-

[10] Report of the Solicitor of the Department of Agriculture, 1914.
[11] 34 Stat. L. 768.

portation into the United States, the exportation from the United States, the introduction into interstate commerce, and the manufacture and sale in the District of Columbia and the Territories of misbranded and adulterated foods and drugs. In 1912, the so-called Shirley amendment[12] to the act was passed prohibiting false and misleading statements as to the curative or therapeutic effects of medicines. On March 3, 1913, the act was further amended so as to require articles of food in package form to bear a statement or label showing the quantity of the contents in terms of weight, measure or numerical count.[13]

Prior to June, 1913, domestic meats and meat products which had been prepared under federal inspection were specifically exempted from the operation of the food and drugs act by the rules and regulations for the enforcement of that act. Since this date, however, these articles have been subjected to the same treatment as other food irrespective of any prior inspection.

Section nine provides that no dealer shall be prosecuted for violations of the act if he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchased the articles in question, to the effect that the same are not adulterated or misbranded within the meaning of the act, designating it. In such cases the party or parties making the guaranty shall be amenable to the prosecutions, fines, and other penalties which would otherwise attach to the dealer.[14]

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[12] 37 Stat. L. 416.

[13] 37 Stat. L. 732.

[14] Regulation 9 of the Rules and Regulations for the enforcement of the food and drugs act, June 30, 1906, 34 Stat. 768, is hereby amended, effective May 1, 1915, so as to read as follows:

"(a) It having been determined that the legends 'Guaranteed under the Food and Drugs Act, June 30, 1906,' and 'Guaranteed by (name of guarantor), under the Food and Drugs Act, June 30, 1906,' borne on the labels or packages of food and drugs, accompanied by serial numbers given by the Secretary of Agriculture, are each misleading and deceptive, in that the public is induced by such legends and serial numbers to believe that the articles to which they relate have been examined and approved by the Government and that the Government guarantees that they comply with the law, the

Penalties for the violation of the act may consist of the seizure and condemnation of the goods, or fine and imprisonment. Goods transported in interstate commerce are subject to seizure only if remaining unloaded, unsold, or in original, unbroken packages.[15]

While the food and drugs act is properly called a health measure, it is only in a somewhat indirect manner that the object is to be attained. In other words, it is primarily a measure intended to enforce honest labeling of foods and drugs, and only secondarily does it directly prohibit harmful adulteration. Thus the benefits to be derived are largely dependent upon the degree of education of the consumers.

Each of the terms "food," "drug," "misbranded," and "adulterated" is specifically defined in the act. When used in the enforcement of the law, it must be in the statutory sense. Thus "drug" as used in the act, includes "all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals."

All misbranding and much statutory "adulteration" may be corrected by the use of appropriate names and labels. The statute recognizes two classes of adulterated foods. In one class adulteration of an article is dependent upon the

use of either legend, or any similar legend, on labels or packages should be discontinued. Inasmuch as the acceptance by the Secretary of Agriculture for filing of the guaranties of manufacturers and dealers and the giving by him of serial numbers thereto contribute to the deceptive character of legends on labels and packages, no guaranty in any form shall hereafter be filed with and no serial number shall hereafter be given to any guaranty by the Secretary of Agriculture. All guaranties now on file with the Secretary of Agriculture shall be stricken from the files, and the serial numbers assigned to such guaranties shall be canceled."

[15] "Regulation 2.—The term 'Original unbroken package' as used in this act is the original package, carton, case, can, box, barrel, bottle, phial, or other receptacle put up by the manufacturer, to which the label is attached, or which may be suitable for the attachment of a label, making one complete package of food or drug article. The original package contemplated includes both the wholesale and the retail package."

name or label under which it is sold. Change of name or label so as correctly to describe the product will relieve it from the charge of adulteration, which could otherwise be maintained against it, because of false or misleading statements or representations as to its identity, quality or strength.

Adulteration of the second class of articles is inherent in the articles themselves, irrespective of names or labels, and cannot be corrected by renaming or relabeling. The more important provisions of the act affecting products of this class declare those foods adulterated which "consist, in whole or in part, of a filthy, decomposed, or putrid substance, or any portion of an animal unfit for food," or containing any added poisonous or deleterious ingredient which may render the article injurious to health.

The food and drugs act contains no provision as to the adulteration of drugs in any popular sense of the word. Whether a drug is adulterated or not depends solely upon the labeling of the container. The various kinds of "adulteration" of drugs which are prohibited may all be cured by correct or honest labeling.

The limitations and restrictions within the statute itself coupled with serious omissions, such as the absence of authority to inspect establishments where foods and drugs are manufactured, prepared, or stored, the lack of legal standards for foods, and the failure to take cognizance of fraudulent statements covering foods and drugs which are not in or upon the food or drug package; these and other limitations have made this law exceptionally difficult to administer effectively. It was to call attention to this fact that these shortcomings of the law have been dwelt upon somewhat at length. The so-called Shirley amendment, already mentioned, is one step in the direction of strengthening the original act.

The food and drugs act is administered, under the Secretary of Agriculture, by the Bureau of Chemistry. This work constitutes the principal, but by no means, the only

function of this bureau. That part of the organization which is directly engaged in the enforcement of the act includes: (1) Field inspectors who procure samples for analysis and information regarding the manufacture and sale of drugs; (2) chemists and clerks in the laboratories in Washington and branch laboratories in a few other large cities; and (3) the Board of Food and Drug Inspection, whose duties are to consider all questions arising in the enforcement of the act upon which the decision of the Secretary of Agriculture is necessary, and to conduct all hearings based upon alleged violations of the law.

At first there were about twenty branch laboratories. This number has recently been reduced to four, experience having shown that the work can be done more effectively and economically where specialization can be introduced.

Each of these laboratories is the center or central office of a district. All of the workers within a district are under the immediate direction of a district supervisor, who is in turn under the direction of the Chief of the Bureau of Chemistry.

Information secured by inspectors or from analyses is reported to the Chief of the Bureau of Chemistry, who places it before the Board of Food and Drug Inspection. If the information indicates a violation of the law, the Board makes recommendations to the Secretary of Agriculture regarding the exclusion of adulterated or misbranded imported articles, or prosecutions for the shipment or sale of domestic goods in violation of the law. All persons charged with any violation of the statute are afforded a hearing at which testimony may be offered, before prosecution is commenced in the courts or before any other action is taken.

In the case of imported foods and drugs no prosecutions are made. The efforts of government officials are confined to preventing the importation of illegal goods, and causing their reshipment or destruction. The Secretary of the Treasury is instructed to deliver to the Secretary of Agri-

culture, upon his request, samples of foods and drugs which are being imported into the United States or offered for import.

If it appears from the examination of such samples that the goods are misbranded or adulterated within the meaning of the act, the Secretary of Agriculture shall refuse delivery to the consignee, and shall cause the destruction of any goods which are not exported within three months from the date of such refusal.

Notice of the arrival at ports of entry of shipments of food or drugs is given by the transmission of a copy of the invoice to the representative of the Department of Agriculture. Upon the basis of this invoice it is determined whether samples should be required or not. In all of this work there must be close cooperation between the representatives of the Department of Agriculture and those of the Treasury Department.

The methods of procedure in enforcing those provisions of the law which relate to domestic goods differ considerably from those concerning imports. In the case of domestic goods, the efficient and effective enforcement of the law depends in large measure upon the work of the inspectors. In order to protect the public against imposters, the inspectors are provided with an identification card signed by the Secretary of Agriculture and enclosed in a case opposite a photograph of the inspector, on which is imprinted the seal of the Department of Agriculture.

Samples secured by inspectors are forwarded to the laboratory in the district in which they are working. The samples are there examined and if found to be in violation of the law, the dealer or shipper is summoned for a hearing. The purpose of these hearings is to afford an opportunity for the presentation of evidence to show that an error has been made in either the collection or analysis of the sample, or to show that a guaranty has been received from the person from whom the goods were obtained.

After such a hearing the information secured is con-

sidered in connection with the data presented by the inspectors and chemists relating to the sample. If the hearings are held at a branch laboratory, the findings are subsequently reviewed by the Board of Food and Drug Inspection in Washington. If it appears that the law has been violated the Board makes the appropriate recommendation to the Secretary of Agriculture, who certifies this fact to the proper United States Attorney, through the Department of Justice, together with the necessary information regarding the case. It is then the duty of the United States Attorney to prosecute the case "promptly" in the United States district courts.

State authorities, charged with the enforcement of health, food, or drug laws, may, when authorized by the Secretary of Agriculture, institute proceedings in federal courts for the violation of the food and drugs act.

Although the enforcement of this law has been committed to the Secretary of Agriculture, the rules and regulations for carrying out its provisions must be made by a board, consisting of the Secretary of the Treasury, the Secretary of Agriculture and the Secretary of Commerce.

In the drafting of the original set of regulations, ample opportunity was given to all persons who would be affected by the operation of the law to present such information as they thought proper. In addition, a board called the "Referee Board of Consulting Scientific Experts," of which President Ira Remsen was chairman, was appointed to pass upon the larger questions of policy. Extensive experiments were conducted and voluminous reports were rendered.

Experience has made numerous changes and additions necessary, but before any new regulation or decision is issued, effort is made to secure adequate information.[16]

The law requires that all judicial decisions in cases arising under it shall be published not more than thirty days after they are rendered. Since these are printed in con-

[16] Rules and Regulations for the Enforcement of the Food and Drugs Act, Office of the Secretary, Circular no. 21, Seventh Revision.

venient form for distribution and give the complete information upon which the case is decided, they furnish a valuable supplement to the rules and regulations. These decisions and those of the Board of Food and Drug Inspection are published under the caption, "Service and Regulatory Announcements."

No information relative to any case is given out until the judgment of the court has been given. If, therefore, an error is made no injustice is done to the reputation of any manufacturer or dealer or to any brand of goods. No information regarding any class or brand of goods is published, except such as is found in the judgment of the court.

The authorities charged with the administration of this statute have been criticized for failing to publish lists of articles of food and drugs which comply with the provisions of the law. It is felt that the publication of such a list would be a disadvantage rather than an advantage because it has been found, in the enforcement of similar laws, that some firms having secured the publication of the names of their goods on such a list, and have subsequently altered the character of their products though they still used the list for advertising purposes.

The chief criticisms of the administration of the law have grown out of and are attributable to the weaknesses of the act itself, to which attention has already been called. These weaknesses have been accentuated by various court decisions. It is hoped that some of these defects may be overcome by a greater degree of cooperation with state authorities. With this object in view, a division of state cooperation has recently been established in the Bureau of Chemistry, from which notable results have already been achieved. At the same time effort is being made to secure more adequate legislation by Congress.

The United States Cotton Futures Act

By act of May 23, 1908,[17] the Secretary of Agriculture was authorized to establish standards for the various grades of cotton which are handled in the cotton markets. This was the first of a series of such acts establishing grades or standards for the more important agricultural products.[18] At first their use was permissive or optional; recently the use of most of them has been made obligatory in those transactions which involve interstate commerce.

It was believed by those persons who were instrumental in securing the establishment of cotton standards that even their voluntary use would prove helpful in eradicating some of the evil and harmful practices in the marketing of cotton, particularly those relating to future exchanges which had proved most detrimental to cotton producers. This expectation was not very fully realized. Accordingly, on August 18, 1914, Congress passed an act, "to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes."[19] This measure, with some amendments, was re-enacted August 11, 1916.[20]

While the compulsory use of the official cotton standards extends only to contracts on future exchanges made under the provisions of the act, they have now been accepted and are used voluntarily in practically all of the important "spot" cotton markets of the country. Through the county agents, demonstrations as to the value of these standards have been made among the farmers themselves.

Ostensibly, the present cotton futures act is a revenue or taxation measure. Its primary purpose, however, is to regulate the business of cotton exchanges with the object of eliminating some of the evil features of future dealing in cotton, and to stabilize cotton marketing generally.

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[17] 35 Stat. L. 251.

[18] The most important of these is the U. S. Grain Standards Act to which reference has already been made.

[19] 38 Stat. L. 693.

[20] 39 Stat. L. 446.

The act imposes on all contracts of sale of cotton for future delivery, made at, or on, any exchange or similar institution or place of business an excise tax of two cents on each pound of cotton involved in such contracts. It then provides for exemption from this tax of such contracts as comply with the provisions of the act.

Most of these conditions which relieve transactions from the tax have to do with the form and terms of the contracts. The principal requirements are: (1) all contracts must conform to rules and regulations made pursuant to the act; (2) they must specify the basis grade for the cotton involved in the transaction, which must be one of the grades for which standards have been established by the Secretary of Agriculture and none other; (3) if cotton other than the basis grade be tendered or delivered in settlement of a contract, the difference above or below the contract price which the receiver shall pay shall be the actual commercial difference as determined by the Secretary of Agriculture; (4) the total weight involved in a contract must be tendered and the person making the tender shall furnish to the person receiving the same a written notice or certificate stating the grade of each individual bale to be delivered and, by means of marks or numbers, identify each bale with its grade; (5) in case a dispute arises between the parties to the contract, as to the grade of any cotton tendered either party may refer the question for determination by the Secretary of Agriculture, his findings to be accepted in all courts of the United States as prima facie evidence of the true classification of the cotton involved; and, (6) that the delivery of cotton under the contract shall not be effected by means of a "set-off" or "ring" settlement, but only by the actual transfer of the specified cotton mentioned in the contract.

The administration of that part of the cotton futures act which relates to what might be termed the technique of cotton handling, marketing, and grading, and the settlement of disputes between the parties to contracts, has been committed, by Congress, to the Secretary of Agriculture. That

part which has to do with the imposition and collection of the tax is administered by the Secretary of the Treasury. Each of these officers is authorized and instructed to make and promulgate such rules and regulations as may be deemed necessary for the enforcement of the various provisions of the act. In this, as in so many other instances, cooperation between the two departments is essential to the effective administration of the law.

The enforcement of that part of the act which was assigned to the Secretary of Agriculture has been delegated by him to the Chief of the Bureau of Markets. This work constitutes one of the principal functions of this newly created bureau. Rather logically, it falls under four main heads: (1) general administration or supervision; (2) the determination of disputes; (3) the establishment and promulgation of official cotton standards, and the preparation and distribution of practical forms thereof; and (4), the investigation of future and "spot" cotton markets, primarily to see that the provisions of the law are being observed in the first, and to secure reliable information regarding cotton marketing and prices in the second. This information is supplemented by daily market quotations from all of the principal markets and exchanges.

The general supervision of the enforcement of the cotton futures act is under the immediate direction of the Chief of the Bureau of Markets. In this work, he is assisted by a board of examiners and by a committee on final inspection. Their principal function is to formulate and enforce the rules and regulations which are promulgated by the Secretary. They also pass upon general questions of policy and method. The personnel of these committees is very nearly the same as that of the other administrative units in this division. They are merely required to act in a somewhat different capacity.

Practically all of the men who are made responsible for the technical work involved in the administration of this law have had extensive experience, either in the production or the handling and marketing of cotton.

When a dispute arises between the parties to a future contract as to the grade, quality, or length of staple of cotton tendered, either party may appeal to the Secretary of Agriculture for a determination of the question. In such cases, a fair sample of each bale of cotton involved in the dispute is forwarded to Washington or other designated point, by the complainant, together with the suitable marks of identification, a statement of the question at issue in the case of each bale, and other detailed information regarding the transaction.[21] An answer may be filed by the respondent within three days after the filing of the complaint. This time may be extended by the Secretary where good cause is shown. A copy of each complaint, answer, certificate or affidavit must be served upon the adverse party. Either party may request an oral hearing or other inquiry. The answer signed by the respondent or agent must admit or deny each allegation of the complaint, and must give full information regarding the disputed points. Both the complaint and the answer must state whether the parties have agreed upon samples to be submitted to the Secretary of Agriculture, and if some have and some have not been agreed upon, the marks identifying each bale in dispute, the sample of which has been agreed upon. Either party may submit samples. If the examiners are not satisfied with samples submitted they may demand others drawn from any or all of the bales involved in the transaction by some disinterested party. When all hearings have been held and the samples finally graded and classified, a copy of the findings upon any dispute is promptly served upon each party, either personally or by mail.

The costs for the determination of any dispute are based on a minimum charge of thirty cents per bale, with a total minimum cost of five dollars for each dispute. The costs so fixed may be assessed against either party, or apportioned against both, as the Secretary of Agriculture may find to be

[21] Rules and Regulations under the U. S. Cotton Futures Act of Aug. 11, 1916, Office of the Secretary, Circular no. 64, pp. 6–16.

just in each case and set forth in his findings. Generally, they are prorated on the basis of the errors in the claims of each party.

In the establishment of official standards for the various grades of cotton, bales representing the characteristic qualities of the cotton of each state are purchased throughout the cotton belt, and used for the preparation of copies of the official standards. These are placed in boxes especially constructed for the purpose, certified under the seal of the Department of Agriculture, and are accompanied by photographs made of the contents of each box at the time of certification. Sets of the official standards or fractional parts thereof are sold to those desiring them at cost of preparation. Purchasers of official standards, however, hold them subject to examination by representatives of the Department of Agriculture, and if for any reason they are found to have deteriorated since their preparation or to misrepresent the official cotton standards in any way, the certificate of grade may be cancelled or removed. Such inspections are made without charge and official standards are renewed at a nominal cost. Each set contains standards for nine grades. Each box contains twelve samples showing the degree of variation which may be allowed within each grade. These standards are used in most of the leading European cotton exchanges, as well as in all important American cotton markets.

The price quotations of future contracts on cotton exchanges have a commanding influence upon the prices paid for spot cotton. Prior to the enactment of the law, it was believed that these quotations were not true barometers of spot-cotton prices, but usually were unwarrantably low, and at times fluctuated unduly in response to manipulation. This condition was attributed largely to certain evil features which had crept into the practices on future exchanges as embodied in the form of contract used. One primary object of the act, as already indicated, was to correct these practices by inducing exchanges to adopt a form of contract free from these objectionable features.

To secure a better observance of the requirements of the law, and to enable the Secretary to determine equitable commercial values in those cases where cotton other than the specified grade is tendered, a system of periodical investigations of, and daily reports from, both future and spot markets is maintained.[22] The act requires that only the quotations from "bona fide" or approved spot markets shall be used in the determination of commercial values. Such markets must be designated by the Secretary of Agriculture after inspection.

No adequate criticism of the operation or administration of the cotton futures act is available. According to those officials who are engaged in the enforcement of the statute, it has accomplished the chief economic objects anticipated by its framers. Future quotations now represent spot values more accurately; sharp and sudden fluctuations have become less common, and prices have been increasingly stabilized. Generally, these changes help the producer to obtain more equitable prices. They also benefit the cotton dealer or manufacturer by giving him a truer index of the advance value of raw material. Furthermore, they secure to all concerned in the financing of the cotton crop a safer hedge. It has also operated to remove some of the suspicion which formerly attached to exchanges that transactions were not always fairly conducted.[23]

That conditions are improving is shown by a marked decrease in the number of disputes submitted in the fiscal year 1917 as compared with previous years.

The act is interesting as a historic step in the movement for governmental supervision and cooperation in the transaction of business.[24]

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[22] Program of Work, Fiscal Year, 1917, pp. 461–462.

[23] Report of Secretary of Agriculture, 1915, p. 45.

[24] For an analysis of the Cotton Futures Law and of the circumstances leading to its enactment, see Journal of Political Economy, vol. xxiii, p. 465; and American Economic Review, March, 1915, vol. v, p. 1.

CHAPTER V

Financial Administration

The law of the United States relating to the preparation of estimates, the submission of financial reports, and the expenditure of appropriations is very meager and fragmentary. Indeed, it may be said that there is no general or comprehensive statute designed to regulate the financial affairs of the executive departments or of the other units of government. Such financial legislation as there is, then, consists almost wholly of small excerpts or sections from general laws or appropriation acts. Some of the earlier of these have been incorporated into the Revised Statutes; most of them are to be found only by searching the volumes containing the Statutes at Large. Many of these legislative fragments give evidence of hasty and ill-considered action intended to correct some undesirable practice or abuse on the part of administrative officers: few, if any, of them show that their framers had any grasp of the whole situation.[1]

Speaking generally, the financial affairs of the Department of Agriculture are subject to the same law and the same methods and procedure as those of the other government services. There are, however, some notable differences. These will be noted and emphasized in the proper place in this chapter.

The federal law governing the preparation of estimates of appropriations and their submission to Congress deals almost exclusively with the form which the estimates shall take, the channels through which they shall be transmitted, and the time when they must be furnished to Congress.

[1] For a good discussion of federal laws relating to government finances see the Report of the President's Commission on Economy and Efficiency, "The Need for a National Budget," part 1, pp. 15–128.

By act of July 7, 1884,[2] Congress imposed upon the Secretary of the Treasury the duty of classifying, compiling, indexing, and printing what is known as the "Book of Estimates." The centering of this function in one place resulted in greater uniformity than had been possible previously, but each year there were numerous changes in substance as well as in the sequence of items. In order to secure greater continuity in the form of the estimates, Congress, by act of June 22, 1906,[3] required that thereafter the estimates for the expenses of the Government, except those for sundry civil expenses, should be prepared and submitted each year according to the order and arrangement of the appropriations acts for the year preceding. Any changes in such order and arrangement, and any transfer of salaries from one office or bureau, and any consolidation of offices or bureaus, desired by the head of any executive department were required to be submitted by note in the estimates.

Section three thousand six hundred and sixty-nine of the Revised Statutes says: "All annual estimates for the public service shall be submitted to Congress through the Secretary of the Treasury." This section was subsequently modified so as to require that "hereafter all estimates of appropriations and estimates of deficiencies in appropriations intended for the consideration and seeking the action of any of the Committees of Congress shall be transmitted to Congress through the Secretary of the Treasury, and *in no other manner.*"[4]

By act of March 3, 1901,[5] officers authorized to make estimates are required to furnish them to the Secretary of the Treasury on or before the fifteenth day of October of each year. If they fail to do this as required, it is the duty of the Secretary of the Treasury to cause to be prepared, on or before the first day of November, estimates for such appropriations as in his judgment shall be requisite.

[2] 23 Stat. L. 254.
[3] 34 Stat. L. 448.
[4] 23 Stat. L. 254.
[5] 31 Stat. L. 960.

Aside from these legal requirements, and several others having similar intent or purpose, the actual preparation of the estimates rests very largely with the heads of the executive departments and the principal officers of the various independent administrative units. The only exception is that found in the sundry civil appropriation act of June 23, 1913, which provides that hereafter the head of each executive department or other Government establishment, shall designate from among the officials employed therein one person whose duty it shall be to supervise the classification and compilation of all estimates of appropriations to be submitted by such department or establishment.

This decentralization in the preparation and submission of estimates is in accord with the expressed attitude of Congress, which has thus far resisted all attempts to secure greater centralization or executive control.

With the exception of the proviso just noted, nothing is contained in the statutes which indicates the method to be pursued by heads of the departments and other officers either in making up their estimates or in the consideration of estimates before they are submitted. Various methods are employed. Briefly stated, the usual procedure in the Department of Agriculture is as follows: Shortly after the beginning of the fiscal year the Secretary of Agriculture addresses a letter to each chief of bureau or other primary subdivision, requesting that estimates for the next fiscal year be prepared and submitted to his office on or before a certain date. This letter also calls attention to the form which the estimates must take and to any general policy or policies which may have been adopted with reference to this matter by the administrative head of the department.

Upon receipt of this letter, the bureau chief causes copies of it to be made and sends one copy, together with his own instructions that estimates be prepared in accordance with it, to each of the division heads or similar officers. These latter officials, in the case of the larger divisions, pass the task on, in somewhat less formal manner, to their own subordinates.

Ordinarily, then, it is the section head or project leader who actually begins the preparation of the estimates, particularly with respect to the amounts of money to be requested. In this task, he must of course be governed by a number of considerations: (1) due regard must be had for any special instructions contained in the letters from the Secretary and the Chief of Bureau; (2) there are many rules, based either upon statutes or administrative orders, governing changes in salaries both on lump sum and statutory rolls; and, (3) if any increased amount is requested either for additional workers or for the prosecution of new work, a comprehensive statement justifying the request must be submitted.

If no change, either in amount or content, is requested, the work of preparing estimates is a comparatively easy task, and the ascent of the administrative ladder will probably be made without much friction. It is only where there is departure from the estimates of the previous year that any serious difficulties are likely to be encountered. This fact constitutes the chief defect of the entire procedure. A line of work, once established, may be continued long after the original objects have been attained, while new projects of equal or greater importance may receive recognition only with the greatest effort, or not at all.

It is true, as we shall see, that Congress has attempted to correct this defect by imposing upon the Secretary of Agriculture the duty of reporting, from time to time, the status of the work under each project. So far as the writer is aware, however, there is no systematic attempt to correlate this report with the estimates themselves. This tendency to perpetuate work once begun is accentuated by the desire of each executive officer to magnify his own position. He is always willing to essay a new task, but never willing to forego the old.

Since the passage of the law, in 1913, requiring each department head to designate some official to supervise the preparation of estimates, each bureau in the Department of Agriculture designates one of its officers to cooperate with

him during the period when estimates are being prepared. It is the duty of this bureau official to assemble the estimates and arrange them for inspection by the chief of bureau. This done, they are then revised and put in form for transmission to the supervisor of estimates. After examination by the Secretary and his assistants, they are put in final form and transmitted to the Treasury Department to be incorporated in the book of estimates. It is in this form that they are transmitted to Congress.

Section seven of an act of March 4, 1909, provides that:

> If the estimates for appropriations, . . . shall exceed the estimated revenues the Secretary of the Treasury shall transmit the estimates to Congress as heretofore required by law, and at once transmit a detailed statement of all of said estimates to the President, to the end that he may, in giving Congress information of the state of the Union and in recommending to their consideration such measures as he may judge necessary, advise the Congress how, in his judgment, the estimated appropriations could with least injury to the public service be reduced so as to bring the appropriations within the estimated revenues; or, if such reduction be not in his judgment practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiency.[6]

This is the only statutory provision requiring or authorizing the executive branch to exercise any supervision over the estimates as a whole. Even this is merely an advisory power and is exercised, if at all, after the original estimates have been transmitted to Congress. It was, however, used with notable effect during the period of declining revenues following the outbreak of war in Europe in 1914.

As head of the administrative department of the government, the President may, of course, exercise a very salutary influence over his subordinates in the general policies to be followed in the preparation of estimates. No doubt this has often been done.

Of the fifteen regular or usual appropriation bills which are annually submitted to the House of Representatives, only six are prepared by the Committee on Appropriations. The remainder are prepared and submitted by various other

[6] 35 Stat. L. 1027.

committees in accordance with well established rules and customs of the House. Thus, when the book of estimates is received by the Speaker of the House, to whom it is sent by the Secretary of the Treasury, he merely refers the various estimates to the appropriate committees, without any formal action on the part of the House itself.

The Committee on Agriculture in the House of Representatives, to which are referred the estimates for the Department of Agriculture, was established as a standing committee, May 3, 1820. At first it was hardly more than a convenient repository for the petitions and memorials relating to agriculture which from this time began to reach the House in increasing volume. Unimportant at first, it has gradually grown to a place of importance among the many committees of the House of Representatives.

Section ten of Rule eleven of that body gives to the Committee on Agriculture jurisdiction of all subjects relating to agriculture and forestry and the appropriations for the Department of Agriculture.[7] In practice the scope of this jurisdiction has been construed very liberally.

From the personnel of the committee it would appear that effort has been made to make its eighteen members fairly representative of the principal agricultural sections of the country. Its present chairman, Mr. Asbury Lever of South Carolina, is a strong advocate of public aid and encouragement to agriculture. He has done very much to secure congressional support of the relatively large number of measures passed in the interest of agriculture during the past few years.

Unlike the estimates for most of the departments and services, those for the usual appropriations of the Department of Agriculture are considered by only one committee, and when presented constitute only one bill. This obviates the necessity for cooperation with any other committee.

In keeping with the general practice of congressional com-

[7] Hind's Precedents of the House of Representatives, vol. iv, sec. 4149.

mittees, a bill is first prepared on the basis of the estimates as submitted. This serves as a working paper for the members of the committee and others who are interested. The next step is the calling of department officials to make statements or to answer questions with respect to the needs of the various bureaus or divisions. This examination may be limited to include only the principal officers, or it may be extended to include even project leaders. Both procedures are followed. These "hearings," with some interruptions, generally spread over a period of several weeks. Much is said, both relevant and irrelevant, to the various matters under discussion. One feature of the procedure which impresses the onlooker is the narrow sectionalism manifested by the members of the committee, and the failure to view the various problems presented from the larger national viewpoint. Collateral discussions arising out of this narrowness often result in a failure to give adequate consideration to the actual matter in hand. From a somewhat limited observation, it has seemed to the writer that the actual contents of the ordinary estimates receive only the most meager consideration.

Besides the information contained in the book of estimates and such as may be adduced from the "hearings," the committee has at its disposal the detailed statement of expenditures for the entire department for the last and previous fiscal years. This is supplemented by several special statements or reports relating to certain phases of the work of the department. To what extent these are used by the committee in the preparation of its final report, it is difficult to say.

Apart from the riders and extraordinary proposals which it frequently carries, the report of the Committee on Agriculture, or the agricultural appropriation bill, does not elicit very much discussion on the floor of the House. Such as there is, like that within the committee, is often characterized by sectionalism. In the bill for the fiscal year 1916, an item of one hundred thousand dollars was doubled by the

'committee of the whole,' without reference to the needs of the service, but simply to "equalize" expenditures in the North and the South.

In the Senate, the agricultural bill is referred to the Committee on Agriculture and Forestry. This committee could, of course, conduct hearings also. In practice, however, it relies largely upon the published reports of the hearings of the House committee, supplemented by such additional information as may be furnished at its request by the department. Generally, its report to the Senate is not very different from that made to the House. The conference committee of the two Houses is thus seldom confronted with many conflicts relating to the agricultural bill proper.

Beginning in 1839, one thousand dollars was set aside by Congress from the receipts of the Patent Office for the purpose of collecting and distributing seeds and procuring agricultural statistics. By 1849, the appropriation had been increased to three thousand five hundred dollars, and by 1859, to sixty thousand dollars. In 1869, seven years after the department had become an independent establishment, the appropriation amounted to one hundred and seventy-two thousand five hundred and ninety-three dollars, and in 1879, to two hundred and six thousand four hundred dollars. When the department was raised to the first rank in 1889, the appropriation was one million and thirty-four thousand four hundred and eighty dollars. By this time the administration of the financial affairs of the department had developed to such importance that a separate division of accounts and disbursements was created to insure proper disbursement of the funds. In 1899, the amount appropriated had been further increased to two million eight hundred and twenty-nine thousand seven hundred and two dollars; and by 1909, had been very considerably increased to fifteen million three hundred and eighty-five thousand, eight hundred and six dollars. At the present time (1918) the amount annually appropriated is approximately double this last sum, or thirty million dollars. The recent rapid in-

crease in the agricultural appropriation is merely another indication of the growing importance of the work of the Department of Agriculture in our governmental system.[8]

The Division of Accounts and Disbursements, created in 1889, is still the central accounting office. Its chief is the principal fiscal officer and is also the disbursing clerk of the department. He is charged by the Secretary of Agriculture with the duty of preparing all requisitions for the advance of public funds from the Treasury Department to the Department of Agriculture or its disbursing clerks, the keeping of general appropriations ledgers, and the payment of all vouchers and accounts properly submitted by the various offices, bureaus and services of the department. He must furnish bond in an amount acceptable to the Secretary; and is, of course, subject to the various laws and comptroller's decisions governing public disbursing officers and the application of public funds.

Section three thousand six hundred and seventy-nine of the Revised Statutes, as amended, requires that "all appropriations made for contingent expenses or other general purposes, . . . shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made."[9] This allotment, when once made, may not be changed, except by specific authority of the department head.

The agricultural appropriations are allotted each year on the quarterly basis. For many years the intent of the law just quoted was evaded by allotting to the first quarter the major portion of the appropriation, with progressively decreasing amounts for each of the other quarters. In very recent years this practice has been corrected by allotting the

[8] For a more nearly complete statement of appropriations for the Department of Agriculture, see appendix iv.

[9] 33 Stat. L. 1257; 34 Stat. L. 48.

same amount or proportion to each quarter. While this latter practice undoubtedly conforms more nearly to the law, it greatly increases the financial administrative work by requiring such close scrutiny of unencumbered balances. It also tends to enhance the evil, which is found throughout the government services, of postponing the expenditure of a large part of the appropriation until late in the fiscal year, with consequent hasty and ill-considered expenditures at the end of the fiscal year to avoid having any considerable part of the funds revert to the Treasury.

At the beginning of each fiscal year, after the allotments have been completed, a 'letter of authorization' is issued by the Secretary of Agriculture to the head of each bureau or other primary unit giving him authority to incur expenses, in accordance with law, to the amount of the funds appropriated for the use of the particular administrative unit. This letter then constitutes the basis of authority for the chief of bureau when conferring authority to incur expenses upon his own subordinates. Only in a few prescribed instances is further authorization required from the Secretary.

All of the detailed financial records of appropriations and expenditures are kept in the various bureaus or other primary administrative units to which they relate. By act of July 31, 1894,[10] all accounting forms must be either prescribed or approved by the Comptroller of the Treasury. This requirement together with the constant general supervision exercised by the Office of the Secretary has resulted in a fair degree of uniformity both as to forms and procedure, in the various bureau accounting offices. The work of these offices is further systematized and coordinated by the publication and periodical revision of an authoritative manual of fiscal regulations of the department. This manual also serves as a convenient guide in fiscal matters to all officers of the department.[11]

[10] 28 Stat. L. 162.
[11] Such regulations are required by law. 28 Stat. L. 207.

For several years prior to the fiscal year 1913, the administrative examination or audit of all vouchers submitted for payment was made in the Division of Accounts and Disbursements. By act of August 23, 1912,[12] the task of making the administrative examination of all public accounts, preliminary to their audit by the accounting officers of the Treasury, was specifically committed to the administrative heads of the bureaus or divisions in the executive departments. Aside from a very cursory examination made under the direction of the disbursing clerk for his own protection and to see that they represent legal claims, the only audit to which vouchers are subjected, prior to their payment, is that made in the various bureaus. In the case of doubt as to any claim, the disbursing clerk is authorized to secure a decision from the Comptroller of the Treasury.

In common with all public vouchers, those of the Department of Agriculture are examined, subsequent to their payment, by the auditors of the Treasury Department. At the end of each quarter a statement of exceptions is submitted to the disbursing clerk. As the bonded financial officer, he is primarily responsible for any unauthorized or improper payments made by him. Usually, however, he can recoup by appealing through the bureau accounting officers to the persons to whom the erroneous payments were made.

As an aid to the administrative head of the department in securing general supervision over the fiscal affairs, and as a means of checking and verifying all financial records, the disbursing clerk is required to list or schedule the payments charged against each bureau.

At the end of each quarter, and before the vouchers are sent to the Treasury Department, these lists are transmitted to the various bureaus for comparison with the bureau financial records. When the differences, if any, have been adjusted the lists are approved by the chief of bureau, and the accounts are assumed to be correct. The vouchers are

[12] 37 Stat. L. 360.

then transmitted to the Treasury Department for final settlement, as required by law.[13]

Not all of the funds appropriated for and expended by the Department of Agriculture are disbursed by the Chief of the Division of Accounts and Disbursements. In those outlying places where the delay or expense incident to sending accounts to Washington for payment would hamper the conduct of government business, special disbursing agents, having very limited jurisdiction, are appointed by the Secretary of Agriculture to make disbursements. Funds for the purpose are warranted to these officers, on requisition signed by the Secretary, just as in the case of disbursing clerks. These special agents are thus not only authorized to incur expenses, as are other officers to whom the usual letter of authorization is issued, but may also disburse public funds to meet these expenses. While this special authority is conferred directly by the Secretary, the agents are subordinate officers of the bureau or bureaus to which their work is administratively related. Paid accounts are transmitted to the bureau for reexamination and record, and are then forwarded to the Treasury through the usual channels. An acceptable surety bond is required from each special disbursing agent.

Federal funds appropriated for expenditure in cooperation with state agencies are paid by the Treasury Department, upon requisition or warrant of the Secretary of Agriculture, to the state treasurer, or to such other officer as may be designated by state law under each cooperative act, to receive such funds. This officer is required to render to the Secretary of Agriculture a detailed statement of the funds received and of their disbursement on forms prescribed by the Secretary of Agriculture.[14] These statements constitute the basis for special reports to Congress as required by the various acts to which they may relate.

There is a general provision of law[15] requiring that each

[13] 26 Stat. L. 371.
[14] 34 Stat. L. 63; 37 Stat. L. 297.
[15] Rev. Stat. sec. 193; 19 Stat. L. 306.

department head submit a very detailed report of all expenditures from contingent funds. Each secretary or other administrative head also submits, as a part of his regular annual report to Congress, a detailed statement of expenditures for all appropriations applicable to his department or service. Besides these, the reports referred to in the preceding paragraph, and a number of special reports required from all department heads, the Secretary of Agriculture is required to render special and detailed reports regarding the suppression of animal diseases,[16] and the purchase and distribution of seeds.[17]

So far as these reports relate to expenditures, they are referred to the House Committee on Expenditures in the Department of Agriculture and to a similar committee in the Senate. As previously stated, there appears to be no systematic attempt to utilize any of these reports when the estimates for the department are under consideration. Even if the attempt were made, the information contained in most of these reports, except those where detailed information is specifically required, is too meager to be of very great value.

Rule Eleven, paragraph forty-two, of the House of Representatives provides as follows:

> The examination of the accounts and expenditures of the several departments of the Government and the manner of keeping the same; the economy, justness and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; the enforcement of the payment of the money due to the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of the pay of officers, shall all be subjects within the jurisdiction of the nine (now ten) standing committees on the public expenditure in the several departments, as follows: . . .
>
> 50. In the Department of Agriculture—to the Committee on Expenditures in the Department of Agriculture.

Despite the elaborate and comprehensive authority thus conferred, it is well known that these committees on expenditures, in both the House and the Senate, are very

[16] 23 Stat. L. 33.
[17] 37 Stat. L. 278.

largely only nominal bodies and seldom meet for the consideration of business. When they have acted, they have usually been looked upon as agents of the Congress for ferreting out some suspected maladministration rather than for systematic consideration of expenditures, or for rendering assistance to the various appropriation committees.[18]

Section five of an act of June 30, 1906, provides as follows:

> Hereafter the Secretary of the Treasury shall require and it shall be the duty of the head of each executive department or other government establishment to furnish him, within thirty days after the close of each fiscal year, a statement of all money arising from proceeds of public property of any kind or from any source, other than the postal service, received by said head of department or other government establishment during the previous fiscal year for or on account of the public service, or in any other manner in the discharge of his official duties, other than as salary or compensation, which was not paid into the General Treasury of the United States, together with a detailed account of all payments, if any, made from such funds during each year. All such statements, . . . shall be transmitted by the Secretary of the Treasury to Congress at the beginning of each regular session.[19]

The principal sources of revenue of the Department of Agriculture, other than the sale of discarded furniture, equipment or other miscellaneous property, are: (1) the sale of cotton standards, the sale of loose cotton, and the costs of cotton futures disputes; (2) the sale of photo prints, lantern slides, and card indexes; (3) the sale of agricultural products from the four insular experiment stations of Alaska, Hawaii, Porto Rico, and Guam; and (4) the sale of forest products from grazing privileges on the national forests.

Of the revenues thus received the only portion which has been, until very recently, available for expenditure by the Department of Agriculture was that received from the sale of products at the insular experiment stations, seldom amounting to more than three or four thousand dollars annually. Even this must now be covered into the Treasury

[18] President's Commission on Economy and Efficiency, "The Need for a National Budget," part 2.

[19] 34 Stat. L. 763.

as miscellaneous receipts. The act of February 1, 1905,[20] transferring the administration of the forest reserves from the Department of the Interior to the Department of Agriculture, provided that all money received from these reserves for a period of five years should be covered into the Treasury as a special fund, available, until expended, as the Secretary of Agriculture might direct, for the administration and improvement of the forest reserves. At first, proposed expenditures from this source were not even included in the book of estimates. This apparent oversight was soon rectified, but before the five year period had expired a law[21] was passed requiring that all funds received from forest reserves be covered into the Treasury as miscellaneous receipts. Thereafter only so much of these funds was made available as was necessary to make refunds for payments erroneously received.

As previously noted,[22] a very considerable part of the receipts from the forest reserves are available, by various acts of Congress, for the construction and maintenance of schools and roads in the States and counties in which the forests are located. All of these receipts, however, are covered into the Treasury in the usual manner and the amount is merely used as a basis in determining the sums which the various States and counties are entitled to receive. The seven district fiscal agents, whose duty it is to supervise the financial affairs of the forest reserves, transmit their collections directly to the Treasury and merely send copies of their reports to the Department of Agriculture.

The privilege of expending the receipts from the sale of products at the insular experiment stations was retained for several years only by a most urgent annual appeal to the House Committee on Agriculture.

If the experiences of the Department of Agriculture may be taken as typical, and there is reason to believe that they

[20] 33 Stat. L. 628.
[21] 34 Stat. L. 1256.
[22] Chapter iii.

are, it would seem that it is the present policy of Congress to depart entirely from the practice of granting "appropriations in aid,"[23] which is still an important factor in the British financial scheme, and which has heretofore characterized the American system as well.

[23] For a discussion and criticism of the subject of "Appropriations in Aid," see Willoughby, Willoughby, and Lindsay, Financial Administration of Great Britain, chap. v.

CHAPTER VI

Conclusions

From the time of its establishment as an administrative unit of the first rank in 1889 to the fiscal year 1917, the Department of Agriculture enjoyed a more rapid comparative growth, both in the amount of its appropriations and in the number of its personnel, than any other of the executive departments. Some effort has been made in the foregoing chapters to give an idea of the scope and multiplicity of its present activities. During the past few years, the writer has been frequently surprised to find how little is popularly known concerning the work of this great institution, which by the very nature of its duties and functions, should be the most popular of all the governmental departments. Contrary to the prevalent opinion, the activities of the Department of Agriculture are by no means limited to the protection or promotion of the interests of any one class or of any one industry.

The primary purpose of this study, however, has been to describe in some detail and to examine the organization, and administrative methods of this institution of government as an instrument or machine for making effective the expressed will of the representatives of the people. The value of the various measures, with whose enforcement it is charged, is a question not here considered.

Numerous and diverse as are the functions of the Department of Agriculture, they are still more nearly homogeneous in character than are those of most of the executive departments. As previously indicated, this has made possible a relatively simple organization. The reorganization effected in 1915, while disturbing only slightly the previous structure, secured a much more logical and effective grouping of the

various functions to be performed. In perfecting the present organization, the department head was given a degree of freedom by Congress not usually enjoyed by administrative officers. If it is not effective, the responsibility can be definitely placed. After making reasonable allowance for that administrative indirectness, which seems to be almost inherent in governmental institutions, the present plan, with its functional basis and its deliberate attempt to minimize duplication of effort, gives promise of meeting the expectations of those responsible for it. What might be called the "cross-sectional" grouping of functions according as they are primarily investigative, educative, or regulative, has greatly clarified the work of the various subdivisions.

In committing measures for administration or enforcement to the various executive departments, Congress is frequently confronted with many difficulties. Many factors must be, or at least should be, considered. The wisdom of that body in committing certain measures to the Department of Agriculture has frequently been questioned. This is particularly true of those laws whose primary purpose is the safeguarding of the public health. Since we already have a federal public health service, it is argued, why should it not be charged with the administration of all public health laws? Serious attempts have been made in Congress and elsewhere to secure this change.[1]

Undoubtedly, the chief consideration which determined Congress to charge the Department of Agriculture with the administration of such measures as the food and drugs act was the very superior laboratory facilities which this department had, and the fact that it already had a considerable staff of chemists and bacteriologists. These facilities and the scientific personnel have, of course, been greatly enlarged since the assumption of the added duties, and as a result of the general expansion of the work of the department. Since it must have extensive laboratory facilities and

[1] Report of the Secretary of Agriculture, 1910.

a large staff of chemists, bacteriologists and veterinarians for the conduct of its normal or ordinary duties; and since these can be used to a large extent in the enforcement of these health laws without proportionate increase in expense; the Department of Agriculture would seem to be better fitted to perform this work than is any of the other departments. Aside from the matter of equipment and facilities, the effective administration of these or any other laws is dependent upon the character of the responsible administrative officers. Such requisites are quite as likely to be found in the Department of Agriculture as in any other department or service.

The administration of public health law seems to be the most striking anomaly in the functions of the Department of Agriculture. There are other functions, however, where the difficulty is not in harmonizing them with the primary work of this department, but in delimiting them from the functions of the other departments. This is particularly true, as we have seen, with respect to the work of the Department of the Interior. Where Congress, either because of ignorance of the situation or through sheer inability logically to divide so many governmental functions among so few departments and independent services, has not clearly defined their respective fields, friction may be eliminated and duplication of effort minimized by proper cooperative relationships between the departments concerned. It has already been shown, too, how extensively this same plan has been followed in the legal and voluntary relationships of the Department of Agriculture with State agencies. This cooperative system of action seems to offer a possible solution for many of the difficulties growing out of our federal form of government.

The policy of the Department of Agriculture in the dissemination of the results of its researches has frequently been the object of criticism. Both the character of the various publications and the manner of their distribution have been assailed as ineffective in securing the desired re-

sults. Many expensive bulletins have been prepared which, either because of their content or the method of presenting the subject, proved to be of little value in the promotion of agriculture. Long mailing lists of names have been built up to which many thousands of bulletins have been sent largely irrespective of the needs or desires of the recipients. To these were added a large number of indiscriminate lists and requests from members of Congress. It is difficult, if not impossible, to form any estimate of the value of these publications on the one hand, and the needless waste on the other.

There seems to be no question, however, but that there has been, and to a less extent, still is, opportunity for improvement in this matter. To the extent that Congress interferes directly in the distribution of publications, the department is, of course, powerless.

It may be recalled, from what has previously been said, that one of the first steps of the present administration was to improve the methods of the department in making available the results of its work. The Smith-Lever extension and demonstration act was largely a result of this general policy. The various publications, though not lessened in number,[2] have been simplified and made more practical. A much wider and more systematic use is now made of the public press to popularize the work that is being done. To this end an office of information has been created. This office also issues a widely circulated weekly news-letter. Provision is made for a continuing revision of mailing lists. Fewer publications are distributed freely; more are offered for sale at cost by the document section of the Government Printing Office.[3]

By these means and others, notable improvements have been made in the methods of making the work of this institution available and effective. Here again, however, one can do no more than form an estimate on general principles.

[2] See appendix iv.
[3] Reports of the Department of Agriculture, 1917, p. 271.

The value of this type of governmental activity is, by its nature, largely immeasurable.

With the present facilities for immediate personal contact with farmers through the County Agent system, the department has an ever ready means of direct communication; but it has in it, also, certain inherent dangers. Already there are evidences that the farmers do not welcome too much direct interference in the conduct of their business.

The organic relationship of the Department of Agriculture to Congress is peculiarly fortunate. Through the Committee on Agriculture in the House of Representatives, to which are referred practically all proposed measures in which the Department of Agriculture is interested, it is possible to have a very close articulation between these two agencies of government. This, of course, presupposes favorable political and personal relationships. This unusually fortunate situation, though the result of fortuitous circumstances rather than deliberation, has proved very beneficial to the department. A very similar arrangement has been proposed by one eminent authority as the basis of a plan to secure a more workable correlation between the legislative and administrative branches of our government as a whole.[4] This would, of course, involve almost a complete reorganization of the committee system of Congress.

Despite this favorable and unique relationship of the Department of Agriculture to Congress, which has frequently facilitated the passage of legislation, there is no evidence that Congress exercises any more adequate control or supervision over the work of this department than over that of any other. This, as we have seen, is not due to the absence of reports and other information, but rather to the failure of Congress to secure a proper coordination of reports, estimates, and other data in such a way that they might be used as a basis for control and supervision of the administration. Or, as Professor Willoughby says, it is due to the failure of

[4] W. F. Willoughby, The Problem of a National Budget, 1918, p. 104 ff.

Congress to conceive of itself as a board of directors supervising and controlling a great enterprise.[5]

In concluding an administrative study of one of the great departments of government, perhaps the strongest impression one receives is that, while a given department may make, or fail to make, many minor improvements which, if made, would go far toward more effective administration, there can be nothing like an adequate solution of our administrative problems short of a complete reorganization and revivifying of the system as a whole. There are ever increasing evidences that important changes will be made in the not distant future.

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[5] Ibid., p. 96 ff.

APPENDIX I

Outline of the Organization of the Department of Agriculture as it was during the Fiscal Year 1917. (Prior to April 6, 1917)

United States Department of Agriculture.

A. Institutional Units.

1. Office of the Secretary.
   - a. Secretary's Office proper.
   - b. Assistant Secretary's Office.
   - c. Solicitor's Office.
   - d. Disbursing Office.
   - e. Library.
   - f. Office of Information.
   - g. Office of Inspection.
   - h. Office of Exhibits.
   - i. Office of Forest Appeals.
   - j. Chief Clerk's Office.
   - k. Mechanical Superintendent's Office.

B. Functional Units and Functions.

1. Office of Farm Management.
   - a. General Administration.
   - b. Investigations in Farm Economics.
   - c. Application of Farm Economics to Farm Practice.
   - d. Clearing and Utilization of Logged-Off Lands.
2. Weather Bureau.
   - a. General Administration.
   - b. Collection of Meteorological Data.
   - c. Forecasts and Warnings.
   - d. General Investigation and Research.
   - e. General Educational Work.
3. Bureau of Animal Industry.
   - a. General Administration.
   - b. Eradication and Control of Animal Diseases.
   - c. Inspection and Quarantine of Imported Animals, and Inspection of Animal Exports.
   - d. Eradication of Cattle Ticks.
   - e. Live Stock Demonstrations.
   - f. Dairy Investigations.
   - g. Animal Husbandry Investigations.
   - h. Investigation of Animal Diseases.
   - i. Control of Manufacture and Shipment of Viruses, Serums, etc.
   - j. Control of Meat and Meat Food Products.
4. Bureau of Plant Industry.
   - a. General Administration.
   - b. Plant Pathology.

c. Fruit Disease Investigations and Control.
d. Investigation of Forest Pathology.
e. Cotton, Truck, and Forage Crop Disease Investigations.
f. Crop Physiology and Breeding Investigations.
g. Soil Bacteriology Investigations.
h. Plant Nutrition Investigations.
i. Soil Fertility Investigations.
j. Crop-Acclimatization Investigations.
k. Poisonous and Drug Plant Investigations.
l. Agricultural Technology Investigations.
m. Fiber Plant Investigations.
n. Biophysical Investigations.
o. Seed Testing.
p. Cereal Investigations.
q. Tobacco Investigations.
r. Paper Plant Investigations.
s. Sugar Plants.
t. Economic and Systematic Botany Investigations.
u. Dry Land Plant Investigations.
v. Pomological Investigations.
w. Horticultural Investigations.
x. Foreign Seed and Plant Introduction.
y. Seed Distribution.
z. Demonstrations on Reclamation Projects.

5. Forest Service.
a. General Administration.
b. National Forest Administration.
c. Agricultural Settlement.
d. Forest Fire Suppression.
e. Forest Products Investigations.
f. Range Investigations.
g. Planting National Forests.
h. Sylvicultural Investigations.
i. Surveys of Forest Resources.
j. Construction of Roads and Trails.
k. Exchange of Forest Lands.

6. Bureau of Chemistry.
a. General Administration.
b. Investigations in Agricultural Chemistry.
c. Chemical Investigations for other Departments.
d. Testing Export Food Products.
e. Poultry and Egg Investigations.
f. Fish Investigations.
g. Investigation of Colorings.
h. Enforcement of the Food and Drugs Act.
i. Food and Pharmacological Investigations.
j. Investigation of Naval Stores and Methods of Production.

7. Bureau of Soils.
a. General Administration.
b. Soil, Chemical Investigations.
c. Soil, Physical Investigations.
d. Investigations of Fertilizer Resources.
e. Soil Surveys.

f. Classification of Agricultural Lands in Forest Reserves.

8. Bureau of Entomology.
   a. General Administration.
   b. Deciduous-Fruit Insect Investigations.
   c. Cereal and Forage Insect Investigations.
   d. Southern Field Crop Insect Investigations.
   e. Forest and Shade-Tree Insect Investigations.
   f. Truck-Crop and Stored Product Insect Investigations.
   g. Bee Culture Investigations.
   h. Tropical Fruit Insect Investigations.
   i. Moth Investigations.
   j. Miscellaneous Insect Investigations.
9. Bureau of Biological Survey.
   a. General Administration.
   b. Game Preservation.
   c. Economic Investigations.
   d. Biological Investigations.
   e. Enforcement of Migratory Bird Law.
10. Division of Publications.
   a. Publication Work of the Department of Agriculture.
   b. Distribution of Documents.
11. Bureau of Crop Estimates.
   a. General Administration.
   b. Crop Reporting and Estimating.
   c. Crop Recording and Abstracting.
12. States Relations Service.
   a. General Administration.
   b. Relations with Experiment Stations.
   c. Relations with Extension Divisions of State Agricultural Colleges.
   d. Farmers' Cooperative Demonstrations in the Southern States.
   e. Farmers' Cooperative Demonstrations in the Northern and Western States.
   f. Farmers' Institutes and Agricultural Schools Demonstrations.
   g. Home Economics Investigations.
13. Office of Public Roads and Rural Engineering.
   a. General Administration.
   b. Road Management Investigations.
   c. Road Building and Maintenance Investigations.
   d. Road Material Investigations.
   e. Field Experiments.
   f. Administration of Federal Aid Road Act.
   g. Farm Irrigation Investigations.
   h. Farm Drainage Investigations.
   i. Rural Engineering.
14. Bureau of Markets.
   a. General Administration.
   b. Marketing and Distribution Investigations.
   c. Collecting and Distributing Market Information.
   d. Preparation of Market Reports on Live Stock and Meats.

e. Investigations and Demonstrations of Cotton Standards.
f. Rural Organization Investigations.
g. State Cooperation in Marketing Work.
h. Extension and Demonstration Work in Marketing and Distribution and in Rural Organization.
i. Enforcement of the U. S. Cotton Futures Act.
j. Administration of the U. S. Warehouse Act.
k. Administration of the U. S. Grain Standards Act.

15. Insecticide and Fungicide Board.
    a. Enforcement of the Insecticide and Fungicide Act.
16. Federal Horticultural Board.
    a. Enforcement of the Plant Quarantine Act.

APPENDIX II

United States Department of Agriculture
Office of Markets and Rural Organization

Extension Work in Agriculture and Home Economics in the State of Wisconsin by Cooperation between the United States Department of Agriculture and the Wisconsin Agriculture College under the Terms of the General Memorandum of Understanding, Dated.....

This project agreement has been entered into between the Office of Markets and Rural Organization, United States Department of Agriculture, and the Wisconsin Agricultural College, Madison, Wis., for extension work in supplying local communities in the State of Wisconsin with suggested programs on social and economic topics for community interests.

Name of Project:	Community Program, Wisconsin.
Location:	Wisconsin.
Headquarters:	Wisconsin Agricultural College, Madison, Wis.
Date Effective:	
Legal Authority:	"General Expenses, Office of Markets and Rural Organization, 1917," the Smith-Lever Act of May 8, 1914.....
Object:	To provide plans and programs for community meetings and to render assistance in the promotion of community discussion along lines of rural organization work for general social and economic improvement.
Method of Procedure:	By cooperation between the Extension Service of the Wisconsin Agricultural College and the Office of Markets and Rural Organization, U. S. Department of Agriculture, programs of meeting will be made out and sent to committees in selected communities, who will be further assisted by correspondence and occasionally by personal visits. In this work County Agents will be requested to suggest neighborhoods and local leaders and to take such part in this work as their other duties as Agent will permit.
Organization:	The Specialist in Rural Organization of the Office of Markets and Rural Organization in cooperation with the representative of the Director of the

Extension Service of the Wisconsin Agricultural College, shall arrange for the preparation, compilation, and distribution of the community programs, and receive reports thereon.

It is understood that the program material shall be jointly prepared by the Wisconsin Agricultural College and the Office of Markets and Rural Organization, while the field work shall be carried on under the direction of the Director of Extension of the Wisconsin Agricultural College.

The subject matter taught shall be acceptable to both cooperating parties; no change of policy shall be made without the consent of the parties to this agreement, which may be abrogated by either party upon giving thirty days' notice in writing to the other party.

COOPERATION: The Office of Markets and Rural Organization agrees to furnish the desired number of multigraph copies of such program material as may be jointly approved by the Wisconsin Agricultural College and the Office of Markets and Rural Organization. The Wisconsin Agricultural College agrees to supply such program material to rural community clubs in the State of Wisconsin, to make field trips in the interest of community club development, and to furnish the Office of Markets and Rural Organization with copies of reports received from community clubs.

ASSIGNMENT: Mr. C. W. Thompson, of the Office of Markets and Rural Organization, U. S. Department of Agriculture, and Professor C. J. Galpin, of the Wisconsin Agricultural College, University of Wisconsin.

SOURCE OF MAINTENANCE: Appropriation, 1917, "General Expenses, Office of Markets and Rural Organization," and the Smith-Lever Act of May 8, 1914.

PUBLICATIONS: Publication of the results of this work shall not be made unless mutually acceptable to all the parties to this agreement and shall show on the title page thereof the cooperative arrangement under which it was done.

ESTIMATED ULTIMATE COST:

RESULTS EXPECTED:

Date..... .....

Chief, Office of Markets and Rural Organization.

Date .....
.....
Dean of Agricultural College and Director of Extension Service.

Date .....
.....
Chief of Cooperative Demonstrations Work, North and West.

Date .....
.....
Director States Relations Service.

Date .....
.....
Secretary of Agriculture.

APPENDIX III

Memorandum of Understanding

Whereas, ———— ———— has or may have, under its control Federal and State funds for extension work in agriculture and home economics, which are and may be supplemented by funds contributed for similar purposes by counties and other organizations and by individuals within said State, and the United States Department of Agriculture has or may hereafter have, funds appropriated directly to it by Congress which can be spent for demonstration and other forms of extension work in the State of ————,

Therefore, with a view to securing economy and efficiency in the conduct of extension work in the State of ————, the President of ————, acting subject to the approval of the Board of said ——— and the Secretary of Agriculture of the United States, hereby make the following memorandum of understanding with reference to cooperative relations between said ——— and the United States Department of Agriculture for the organization and conduct of extension work in agriculture and home economics in the State of ————.

I. (a) To organize and maintain ———— a definite and distinct administrative division for the management and conduct of extension work in agriculture and home economics, with a responsible leader selected by the ——— and satisfactory to the Department of Agriculture:

(b) To administer through such Extension Division thus organized any and all funds it has or may hereafter receive for such work from appropriations made by Congress or the State Legislature, by allotment from its Board of ———— or from any other source:

(c) To cooperate with the United States Department of Agriculture in all extension work in agriculture and home economics which said Department is or shall be authorized by Congress to conduct in the state of ————.

II. The United States Department of Agriculture agrees:

(a) To establish and maintain in the Department of Agriculture a States Relations Committee, pending the authorization by Congress of a States Relations Service, which shall represent the Department in the general supervision of all cooperative extension work in agriculture and home economics in which the Department shall participate in the State of ———— and shall have charge of the Department's business connected with the administration of all funds provided to the States under the Smith-Lever Act.

(b) To conduct in cooperation with ———— all demonstration and other forms of extension work in agriculture and home economics which the Department is authorized by Congress to conduct in the State of ————

III. And the United States Department of Agriculture mutually agrees:

(a) That, subject to the approval of the President of ———— and the Secretary of Agriculture, or their duty appointed representatives, the cooperative extension work in agriculture and home economics in the State of ———— involving the use of direct Congressional appropriations to the Department of Agriculture shall be planned under the joint supervision of the Director of Extension work of ———— and the agriculturist in charge of Demonstration work of the United States Department of Agriculture in the North and West; and that the approved plans for such cooperative extension work in the State of ———— shall be executed through the Extension Division of ———— in accordance with the terms of the individual project agreements:

(b) That all agents appointed for cooperative extension work in agriculture and home economics in the State of ———— under this memorandum and subsequent project agreements, involving the use of direct Congressional appropriations to the Department of Agriculture, shall be joint representatives of ———— and the United States Department of Agriculture, unless otherwise expressly provided in the project agreements; and the cooperation shall be plainly set forth in all publications or other printed matter issued and used in connection with said cooperative extension work by either ———— or the United States Department of Agriculture:

(c) That the plans for the use of the Smith-Lever fund, except so far as this fund is employed in cooperative projects involving the use of Department funds, shall be made by the Extension Division of the ———— but shall be subject to the approval of the Secretary of Agriculture in accordance with the terms of the Smith-Lever Act, and when so approved shall be executed by the Extension Division of said ————.

(d) That the headquarters of the state organization contemplated in this memorandum shall be at ————.

IV. This memorandum shall take effect when it is approved by the President of ———— and the Secretary of Agriculture of the United States and shall remain in force until it is expressly abrogated in writing by either one of the signers or his successor in office.

.....

Date.....

.....

Secretary of Agriculture.

Date.....

APPENDIX IV

Statistical Data Regarding the United States Department of Agriculture

Fiscal Year	Amount Appropriated[1]	Amount Expended[1]	Fiscal Year	No. of Officers and Employees[2]	Copies of Publications of all Kinds (New and Reprints)[3]
1839	$1,000.00	$1,000.00	1839	—	
1849	3,500.00	3,500.00	1849	1	
1859	60,000.00	60,000.00	1859	20	
1869	172,593.00	172,593.00	1869	90	
1879	206,400.00	206,360.00	1879	93	
1889	1,134,480.80	1,033,590.22	1889	479	1,200,000[a]
1899	2,829,702.00	2,827,795.65	1899	2,949	7,075,975
1909	16,153,534.74	15,595,502.25	1909	11,140	17,190,345
1910	17,115,410.35	16,704,470.48	1910	12,200	25,190,465
1911	20,888,449.28	20,424,767.92	1911	12,704	27,594,857
1912	22,402,301.11	20,985,299.39	1912	13,800	34,678,557
1913	25,177,164.68	24,486,776.90	1913	14,468	33,356,366
1914	24,449,824.37	23,690,994.40	1914	16,060	38,186,392
1915	26,840,434.55	26,046,032.17	1915	16,223	36,075,561
1916	29,019,703.98	22,320,158.85	1916	17,227	39,098,239
1917	37,188,852.00	28,056,272.03	1917	18,751	47,023,635

[1] Annual Reports of the Department of Agriculture, 1917, p. 268–269.
[2] Letter from Appointment Clerk, Dated 3/1/19.
[3] Reports of the Department of Agriculture, 1917, p. 278.
[a] Estimated.

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